

**CITIZEN ADMINISTRATION
AND LOKPAL**

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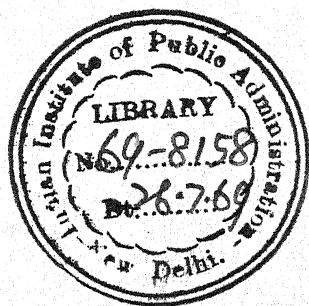
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By

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AND

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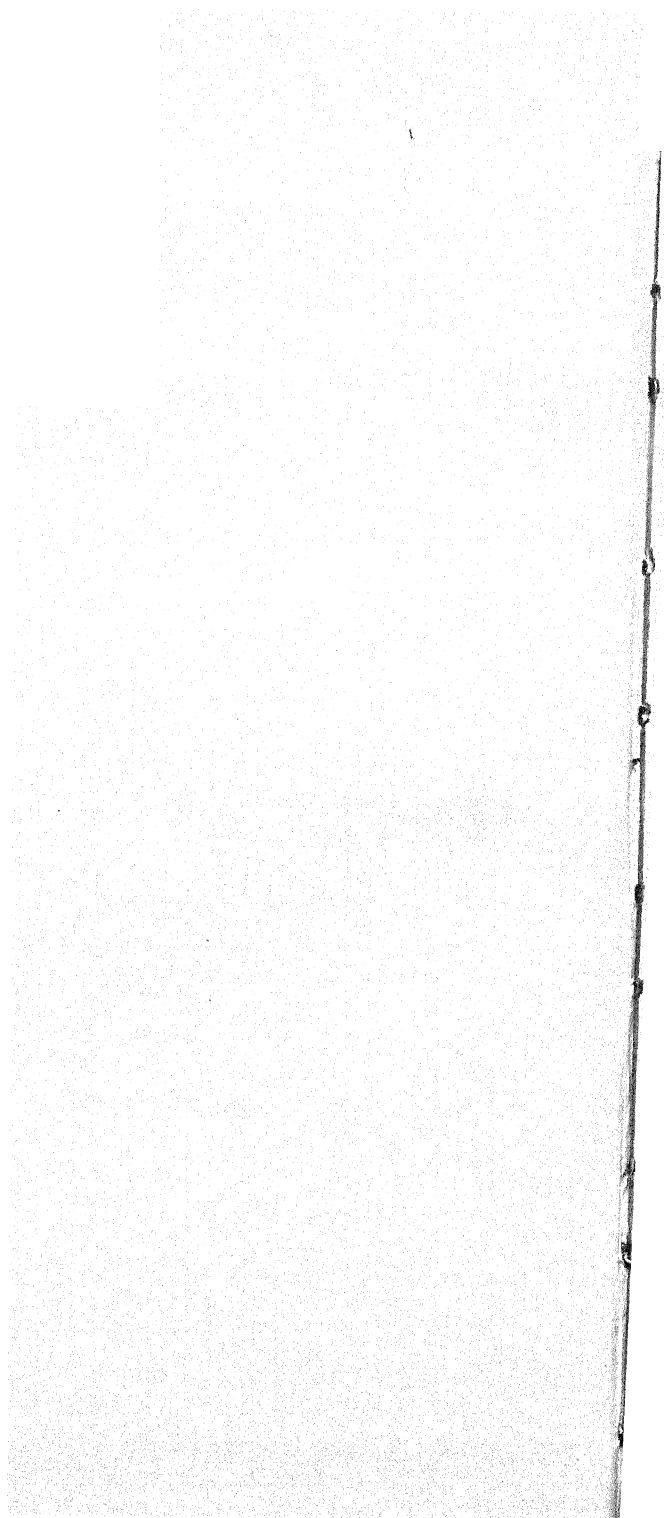
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PART ONE

THE PROBLEM: AN OVERVIEW



CHAPTER ONE

Approach To The Problem

THE CONTEXT

The Administrative Reforms Commission (referred to hereafter as A.R.C.), in their **interim** report on the problems of Redress of Citizens' Grievances, have strongly recommended the strengthening of governmental machinery for redress of citizens' grievances, the ultimate aim being to strengthen the institutions of Lokpal and Lokayuktas, suggested by them. These proposed institutions, according to the **interim** report, do not absolve the (Government) departments from fulfilling their obligations to the citizen. The report asserts that the administration itself must play the major role in reducing the area of grievances and providing remedies wherever necessary and feasible. The report also declares emphatically that the responsibility of the departments to deal adequately with public grievances must squarely be faced by them in the first instance.¹

Much the same idea is expressed by Gellhorn when he says that "... an administrative critic's acceptance is likely to be greatest in the very societies that need him least."² "Ombudsman," obviously, does not replace the existing machinery and procedures for dealing with conflicts between those who wield administrative power and those who are affected by it;

1. Government of India, Administrative Reforms Commission, **Interim Report on the Problem of Redress of Citizens' Grievances** (1966), pp. 12-13. Please see also pages 54-55. *Infra*.

2. Walter Gellhorn, **When Americans complain**, Harvard University Press (1966), p. 47.

3. The word 'Ombudsman' in this book is used interchangeably with the words 'Lokpal' and 'Lokayukta', used in the Bill introduced in the Indian Parliament on the 9th May, 1968, for setting up of these institutions (The Lokpal and Lokayuktas Bill, 1968, Bill No. 51 of 1968).

nor does he seek to supplant the existing grievance agencies. A complete break with the past and starting afresh on a clean slate has little appeal or relevance. What is really called for is to remodel and renovate the traditional administrative institutions so as to bring them in harmony with the proposed institutions of the Lokpal and the Lokayuktas. Failure to streamline the administrative machinery and procedures may seriously endanger the success of these institutions.

THEORETICAL AND IDEOLOGICAL CONCEPTS

The present study, dealing with machinery and procedures for redress of citizens' grievances existing at the State, District and lower levels, springs partly from the aforementioned recommendation of the A.R.C. and partly from the concern of the Indian Institute of Public Administration to examine the citizen-administration relationships in the context of the developmental democracy. The latter aspect has, as its theoretical orientation, the following issues:

The Organizational Dilemmas

The organizational principles have been undergoing changes under the impact of the mechanistic and behaviouristic schools of thought. The mechanistic principles⁴ such as the lines of communication, span of control, unity of command, etc., which were once regarded as the true basis of a sound organization, stand modified today in the light of considerable research work done, and remarkable results achieved, in the field of human relations or behaviouristic approach to the problems of an organization. (Even this does not seem wholly adequate to explain the current dilemmas in the functioning of organizations. The large-scale and complex organizations of today, resulting inevitably from the rapid and far-reaching advances in modern science and technology, seem to defy all generalizations about the chief ingredients of their efficiency.)

4. These according to Herbert A. Simon are no more than myths and proverbs. For a further exposition, see Herbert A. Simon, *Administrative Behaviour; A Study of Decision Making Processes in Administrative Organizations*, New York, The Macmillan Company (1957).

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multiple cogs

administrative organizations frequently impede the march towards Welfare-State goals and values enshrined in our Constitution, with their emphasis on such lofty principles as the dignity of the individual and justice for all. Commitment to ideology of Democratic-Socialist-Welfare-State throws new and heavy tasks on Administration. It adds to the expanding responsibilities of Government. These are not capable of being discharged unless the personnel facing these tasks keep themselves fully alert and the organizations keep their procedures up-to-date.

The best of governmental organizations with the most competent staff cannot by themselves carry out the enormous developmental functions and responsibilities cast upon them. In order to achieve success it is necessary to secure the participation of all citizens in the developmental process. Only then can the people's creative energies be harnessed towards the cherished objective of social and economic advancement. Co-operation, like friendship, must be based on foundations of mutual trust and understanding. A mind vitiated by a sense of grievance, be it real or imaginary, cannot give of its best in the service of the common goal. Citizens' satisfaction alone can generate the much-needed enthusiasm for a creative endeavour.

The Role of Rules

Rules are fundamental to the proper functioning of an organization. Like the nervous system in the body mechanism, they are meant to govern the conduct or action of those who exercise power on behalf of the organization. They imply **positively** a way of action and **negatively** a restriction for ensuring uniformity in procedure and conformity to a standard or practice. These are the very desirable functions performed by rules, but in the operative sphere, the rules give rise to many dysfunctions and malfunctions. An excessive veneration for rules may often stand in the way of achieving the organizational objectives. Rules often tend to generate a caution-complex and reluctance to take risk or responsibility, which, in turn, breed indecision or inaction. Too much regard for the **letter** of rules, as distinct from their **spirit**, may engulf the mind in the petty and inconsequential problems of

the day and cloud the distant, but more important, organizational purpose.

It may also be that the organizational objectives change, while the old rules remain.⁸ The changed situation may need a completely new set of rules, but what may be done instead is the piecemeal and frequent amendment of the old rules. This may result in overcrowding of the organization's manuals with a plethora of "correction-slips" and in the labyrinth so created the decision-makers may have to waste a great deal of their precious time groping for their way. When basic rules are riddled with too many amendments, one often develops a sense of diffidence about the correct course of action and a reluctance to take action or decision.

Rules often are found to be too inadequate to answer up to a particular situation. Whether to relax the rules is demanded by the logic of the situation or whether to let the situation suffer in favour of the rigid and mechanical application of rules seems to be the eternal dilemma of the administrative organizations.

Many a citizen feels frustrated when he comes in contact with an administrator obsessed with the meticulous and mechanical application of rules even in situations where they seem clearly to be inapplicable.⁹ Moreover, changes in the societal structure and values as a result of development endeavour and technological advances hasten to render rules obsolete. Rules must, therefore, keep pace with changing times.

Bureaucracy vis-a-vis the Unsophisticated Citizens

When administration lacks inner vitality to meet the

8. Many a student of public administration holds the view that some of the old rules inherited from the pre-independence régime do not fully subserve the new national goals and values adopted in the post-independence India.

9. See also D. G. Karve: "However far-sighted the law-maker, or the rule-maker may have been he does not exhaust all the possibilities of detailed individual variations. In these situations, either to be refused a relief, or to be referred to complicated, costly and time consuming procedures is not only psychologically frustrating but, in many cases, it is also a virtual denial of service, neither desired nor anticipated by the law-maker." D. G. Karve, "Citizen and Administration—Mutual Response", *The Indian Journal of Public Administration*, Vol. XII, No. 3, July-September, 1966, pp. 338-39.

challenging demands made on it, it becomes defensive and degenerates into its pathological form called bureaucracy. Bureaucracy, in the negative sense of the word, is generally associated with factors making for delays, inefficiency, impersonal administration, corruption, safe-playing, excessive regard and undue reverence for rules and procedures; and similar ills.¹⁰ Under a bureaucracy pervaded by these elements, any citizen would find himself helpless in getting his difficulties removed or grievances redressed. The unsophisticated and illiterate mass of citizens would appear to be baffled by the amazing complexities, and imposing conformities of modern bureaucracy and impenetrable indifference of the bureaucrats to public interests.

The private citizen comes into contact with government officials on numerous occasions connected with the affairs of his daily life. The increase in the occasions for such contacts is directly proportional to the increase in governmental controls and regulations dictated by the needs of developmental administration, especially in an economy of scarce resources. Much of the administration's image is made or marred during such contacts. An air of conceit or arrogance, a show of irritation or misdemeanour, lack of proper response, false promise or a tactless 'No', procrastinations and delays—in fact all that goes by the name 'bureaucracy' in the dysfunctional sense of the word—may contribute to tarnish the image of administration in the eyes of the citizens."

10. As Prof. Dube puts it, "the major symptoms of the (bureaucratic) malady are—failure to take decision at the appropriate level, passing the buck, roping in others in decision-making, equivocal recommendations, anticipating what the boss wants, rationalisation of failures, underplaying the essentials and magnifying the grandiose, covering the failure of smaller utopias with projection of larger utopias and outright sycophancy". S. C. Dube, "Bureaucracy and Economic Development", *Indian Journal of Public Administration*, Vol. XII, No. 3, July-September, 1966, p. 349.

Balzac terms bureaucracy as a gigantic power manipulated by dwarfs" (quoted by S. C. Dube, *ibid.*, p. 351). If administrators are "dwarfs" in the face of the big bureaucratic organizations, the common citizen would seem to be powerless even before these dwarfs.

11. See W. A. Robson: "There is nothing more infuriating than arrogance or conceit on the part of an official, while a friendly and helpful attitude can leave a favourable impression of a lasting nature." W. A. Robson, *The Governors and the Governed*, George Allen & Unwin, Ltd. (1964), p. 20.

Pinpricks resulting from abuse of administrative power may develop into painful sores. Conversely, a courteous behaviour, a word of sympathy or appreciation or encouragement, a sentence or two in explanation when a request cannot be granted—in short a human touch—is sure to start a chain reaction which will help immensely to bring the administrators and the citizens nearer to each other.

DIGNITY OF CITIZENS IN A DEMOCRACY

Many grievances have their source in the incorrect power-service relationship of the administrative personnel with the citizens. In a democratic set-up such as ours, the citizens, in theory, are the masters¹² and the government officials their servants but in actual practice, the concept often appears to operate in the reverse order. While a government official enjoys certain powers vested in him as a trustee holding a public office to act according to due process of law on behalf of the citizens collectively, the individual citizen suffers in practice from ignorance and appears much too weak before a government official. It is because of this two-fold aspect of citizens' helplessness in the face of government's puissance that government servants often assume a superior posture and behave indifferently towards the citizens.

Rough and curt treatment, even to those citizens who, either innocently or deliberately, make a nuisance of themselves, is not justified in a democratic society. While government officials have every right and reason to be firm in such cases, there is no justification for an over-bearing behaviour towards the ignorant or the erring citizens. Citizens may be mistaken in making a false or frivolous or malicious complaint; but it does not seem to justify a supercilious disposal: on the contrary, it deserves to be handled through an enlightened

12. See also D. G. Karve: "Where governments are organised by a constitution which makes the general body of citizens the ultimate possessors of political power all agencies of Government—legislative, executive and judicial—must be presumed to owe their ultimate loyalty to the Constitution i.e. to the citizen as a perpetual and comprehensive body"—D. G. Karve, "Citizen and Administration—Mutual Response," *Indian Journal of Public Administration*, Vol. XII, No. 3, July-September, 1966, pp. 341-42.

and courteous communication of a firm policy or decision. Firmness should not mean discourtesy or rudeness towards the citizens; in fact, real firmness consists in scrupulous adherence to established policies tempered with due courtesy and respect to the ideal of dignity of the citizen. With necessary tact and patience, this is possible of achievement and anything to the contrary would signify abuse of authority and a negation of the democratic principle of dignity of the individual, a principle which our Constitution forcefully emphasises.

THE ACCENT ON SECRECY

Government offices are repositories of public trust. They should function openly as far as applications, etc., from public are concerned. That is to say, the citizen should have the right to know the action taken or proposed to be taken on his application. This very information is, however, often denied to him under the plea of secrecy. No wonder, then, that the citizen often suspects the administration of acting *mala fide*, especially in the case of the wealthy and influential. The administrators, on the other hand, sometimes charge the public with submission of non-genuine or malicious complaints. This breeds mutual distrust between the public and the civil servants.

In certain cases administration may not seem to be keen on creating a favourable impression of its own performance on the citizens. Apart from non-acknowledgement of applications, it may fail to inform the citizens even where action or decision has been taken on their application. As in the case of justice, not only is it important that action or decision on a citizen's application should be taken promptly but also that it should appear to have been taken promptly. Prompt action and proper communication of decisions go a long way towards enhancement of satisfaction among citizens with administration.

Secrecy may manifest itself in other forms too. It may take the form of complete silence¹³ or an evasive reply which

13. See also K. C. Davis: "Administrative apathy is all the more insidious because of its silence. A defeat of legislative will through

(Continued on next page)

may be meaningless to the recipient. In his report to Government, in 1966, the then Commissioner for Public Grievances in the Union Ministry of Home Affairs is understood to have complained that "Government replies to the public follow a 'laconic' and 'brusque' pattern" and adds that "the replies normally are on these lines: 'The matter is receiving attention' or 'is being looked into' or 'is under consideration' or 'we have nothing to add to what has already been stated in our last letter' or 'as already stated, nothing can be done for you and you are advised to desist from writing again.'"¹⁴ The excessive zeal of government officials to be secretive or to convey as little as possible in words which may mean nothing or anything lacerates the feelings and embitters the mind. Secrecy and inadequate communication from administrators are more irksome than a straightforward refusal to grant a request.

THE POSITION OF GOVERNMENT EMPLOYEES

Even in the initial stages of our study we were confronted with the question whether serving government employees should be included in the category of citizens, whose grievances we were trying to study. The *interim* report of the A.R.C. on Citizens' Grievances and the Lokpal and Lokayuktas Bill, 1968,¹⁵ exclude government employees from the jurisdiction of the Lokpal and the Lokayuktas, inasmuch as their grievances relate to the action taken in respect of appointments, removals,

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inaction usually harms only an inarticulate general public and is likely to pass unnoticed. Abuses of an affirmative character are less dangerous because they usually, damage interests which are vocal or vociferous...." K. C. Davis, 'Administrative Powers,' 63. *Harvard Law Review*, 193, 225 (1949), quoted in Walter Gellhorn, *When Americans Complain*, *Harvard Business Review* (1966), Foot Note, p. 53.

14. As reported in the *Hindustan Times*, dated the 31st October, 1966, (p. 6 : 7, 8).

15. Bill No. 51 of 1968, particularly the Second Schedule. The specific action not subject to investigation by the Lokpal or a Lokayukta, in relation to government servants, is in respect of "appointments, removals, pay, discipline, superannuation or other matters relating to conditions of service of public servants but not including action relating to claims for pension, gratuity, provident fund or to any claims which arise on retirement, removal or termination of service".

pay, discipline, superannuation or order personal matters.¹⁶ We felt, however, that government employees too might have their grievances, often genuine ones, as may be apparent from the Report of the Department for Removal of Public Grievances, Rajasthan, according to which in one year, that department received 1,956 grievances from government employees as against 588 grievances received from the general public.¹⁷ Our study of the problem in the States visited by us further

16. Government of India, Administrative Reforms Commission, *Interim Report on Problems of Redress of Citizens' Grievances* (1966), p. 15.

17. Government of Rajasthan, Department for Removal of Public Grievances, *First Annual Report* (1964-65), p. 6. Some of the more significant and delayed cases mentioned as disposed of through the intervention of this Department are listed below:

- (1) An Assistant Inspector, Weights & Measures, approached this Department on 15th July, 1964, with the grievance that he had not been paid the arrears on account of increment since 25th September, 1962. On receipt of the complaint, the matter was taken up with the authorities concerned and the arrears were paid on 4th January, 1965.
- (2) A class IV servant represented on 4th June, 1964 to this Department that though he had retired from Government Service about 3 years ago his pension case had not been finalised. The matter was taken up with the Revenue Department and the sanction was obtained which resulted in the finalisation of the case by 23rd October, 1964.
- (3) An employee of a Collectorate represented to this Department on 10th August, 1964 that he had not received a sum of Rs. 900 on account of his claims for the year 1955. The matter was taken up with the concerned authorities and payment finally made on 12th January, 1965.
- (4) A retired Excise Inspector made a complaint to this Department on 9th June, 1964 to the effect that he was ordered to officiate on the post of the Assistant Commissioner, Excise and Customs, Nagaur for about two months with effect from 3rd September, 1954, but he was not sanctioned any remuneration by the authorities concerned. The matter was taken up with the concerned Department in the Secretariat, the required sanction was issued on 9th July, 1964, and necessary amount was drawn and sent to the Assistant Commissioner, Excise, Jodhpur, for disbursement to the complainant.

The causes of delay were examined and it was found that the case was delayed on account of the negligence of a dealing clerk against whom action was taken by the appointing authority on the basis of the recommendation made by this Department, by issue of a written warning to him.

confirms our belief in the need for speedy redressal of the grievances of individual government employees.

Looked at from a purely utilitarian angle, a sound internal arrangement for prompt removal of the genuine grievances of government employees would be to the advantage of Government no less than that of employees. Discontentment, genuine or imaginary, is the anti-thesis of morale and low morale is incompatible with high level of performance. "Many workers", says Gellerman, "are too timid or too inarticulate to present their case effectively."¹⁸ And he adds: "Quite often an employee will **not** wish to bring his dissatisfaction to the attention of his supervisor. He may prefer to suffer in silence He may perhaps fear that having once complained he will thereafter be suspect of being a malcontent"¹⁹ The fear of reprisal might work far more strongly in the case of an aggrieved employee than in the case of an aggrieved citizen. Inasmuch as agitations and strikes to which government employees seem to be resorting more and more, symbolise the pent-up, cumulative grievances against the real or supposed unfairness of Government towards its employees, Government will be doing no more than serving its own interests if it took all measures within its power to overhaul the machinery for redress of employees' grievances and created an impression of being fair with reference to the complaints of its employees. If the existing arrangements and procedures for redressing the grievances of government employees are found to be inadequate, the need for an alternative machinery within the administrative framework of government departments assumes added urgency, especially because the grievances of government employees are outside the suggested scope of the proposed institution of the Lokpal and Lokayuktas, and also because the position of government employees is still weaker²⁰ than that of the general public **vis-a-vis** the officers of Government.

18. S. W. Gellerman, *The Management of Human Relations*, (Holt, Rinehart and Winston, 1966), p. 75.

19. *Ibid*, p. 77.

20. The Government Servants' Conduct Rules put many restrictions on Government servants; while the general public do not suffer from such restrictions.

CITIZEN-ADMINISTRATION ALIENATION

Many factors make for mutual alienation²¹ of citizens and administrative officials. We have already referred to some of the pathological symptoms which seem to be an in-built part of bureaucratic organizations. The roots of the trouble may lie in the individual human factor, or in the organizational structure, or in the systems and procedures that guide its working, or the ailment may be the cumulative result of all these factors working together. The net result of all these factors is the public impression, real or imaginary, of bureaucratic apathy, unfairness, injustice, mistakes and abuse of power. While an average citizen thus comes to nurse a sense of grievance against an unfair administrative action, he too might be responsible for the very shortcomings that are accusingly pointed to lie at the bureaucratic door. Many an action, or lack of action, on the part of a citizen might contribute to the difficulties of administrative officials. Similarly many a request of an average citizen might be anything but legitimate; and what is worse, he might be willing, even anxious, to use any and all means to ensure its acceptance. Thus the subject of citizen-administration relationship is one which deserves further exploration.

Alienation of Citizens from Administration

Notwithstanding the arrangements made, or instructions issued by State Governments, deficiencies—structural, procedural and emotional—might manifest themselves at every stage and at every level. Experience shows that there is always a gap between the results intended to be achieved through administrative instructions and those actually achieved. While handling of citizens' applications in Government offices is no exception to this rule, there are, nevertheless, certain critical areas on which the searchlight of enquiry needs to be focussed. These areas are:

(i) **Non-acknowledgment.** Non-acknowledgment of applications and representations from citizens is a factor which contributes to the dissatisfaction of citizens. Non-

21. The word 'alienation' is used here in the sense of mutual aloofness of citizens and administrators.

acknowledgment leaves the applicant in a state of uncertainty and compels him to make personal approaches to the administration, either direct or through middlemen such as other influential persons or parties, at considerable expense of time and energy of all concerned. Needless or avoidable contacts between the officials and citizens might serve as a breeding ground for many a malpractice. Non-acknowledgment also leaves an unfavourable impression on the mind of the applicant that the administration is indifferent to his application.

(ii) **Delays.** There is a complaint that delays—very often avoidable, sometimes inordinate, invariably inexcusable—continue to occur in the disposal of applications and petition of citizens as well as of government employees. In several cases delays might not be due entirely to faulty or complicated rules or procedures; more often than not, they might be due to the deficiencies in character or apathy of human element, including the laxity or lack of supervision. This latter aspect becomes all the more irksome when one finds even simple applications or petitions, not involving the application of any complicated rule or procedure, considerably delayed for no valid reason. Preparation or proper scrutiny of statement of pending cases required to be put up under the existing instructions and a vigorous follow-up of pending applications might make all the difference between satisfaction and dissatisfaction of citizens.

(iii) **The Tendency for Self-justification.** The present arrangements for review of administrative decision too have come in for a great deal of criticism. Many a citizen complains of the official tendency to uphold the decision once taken. That the criticism is not altogether baseless is evident from the observations of many knowledgeable observers. We have it on the authority of no less a person than the New Zealand Ombudsman that the first decision “tends to generate its own defences within a department.”²² Much the same conclusion was reached by the Commissioner for Public Grievances, Government of India. He feels that the appointment in each Ministry of independent complaints officers (usually of the rank of a Deputy Secretary) has failed to serve as a

22. New Zealand Ombudsman's Report (1964), p. 7.

corrective for wrong decisions either because these officers do not have the time to examine grievances personally because of other responsibilities" or because "they are afraid of investigating grievances against decisions taken by officers senior to them". The net result, he goes on, is that "a complaint is generally examined by the same person against whose decision, or the decision in which he had a hand, the complaint has been made". In such a situation the impulse for self-justification asserts itself; and in order to maintain his decision he may even "bring out arguments in its favour that may not have been known to him when he made the decision". And finally, the Commissioner makes the point that "even when the complaint goes to another officer within the hierarchical pyramid, official bias towards backing up the original decision tends to generate its own defences within the Ministry".²³

Human nature being what it is, few can rise above the temptation of not conceding a mistake, as far as possible. What ought to be regarded as an honest difference of opinion, or a genuine error of judgment, becomes a prestige issue, in which objectivity falls as the first casualty. How to ensure objectivity in decision-making without generating passion and without bringing in a personal bias is the question which calls for serious consideration.

Alienation of Administration from Citizens

(i) **Interference in Administration.** A feeling persists in the minds of many people that there is a gnawing interference in the day-to-day working of the administration at all levels, including interference from public men, elected to various offices, high and low. There seems to be a wide-spread belief

23. All these quotations are taken from the Report as published in the *Hindustan Times*, dated the 31st October, 1966.

Compare also the observations of a senior officer in America:

"The...system puts too heavy reliance on the man complained against or on his immediate superior, who knows him and usually has faith in him. Those fellows have a vested interest. I could count on the fingers of my hand the times I've seen anything other than a whitewash. Nobody talks to the complainant or goes behind what the defendant, if I may call him that, says about the matter." Quoted in Walter Gellhorn, *When Americans Complain*, Harvard University Press, (1966), p. 113.

that nothing can be got moved in government offices unless one can manage to exercise some 'pull', and that decisions are likely to be influenced more by personal contact than by the merits of a case.

The belief in the efficacy of personal contacts is no less injurious to the health of the administrative machinery than the belief in the supremacy of undue interference in matters delegated to the discretion of comparatively junior officers. Personal contact and undue interference in administration are subtle and insidious like a contagious disease, and the need of public men for popular vote at successive elections creates a climate favourable for their growth. There can be no objection to popularity sought through opposition to policies and principles considered to be wrong; but the desire for seeking popularity through support of individuals can have effect no other than progressive demoralisation of the civil servants and their mental alienation from citizens. There seems to be an urgent need for steps to check undue interference in administration and to prevent corrosion of the administrative machinery.

(ii) **Non-genuine Requests.** The citizens may sometimes come forward with requests which are either frivolous or non-genuine, or are outside the scope of administrative action. Many applications may relate to matters that have already been disposed of; but citizens apply again and again, because they are seldom prepared to take a negative reply. They wish to pursue the matter at a higher decision-making level. While some people look upon administration at various levels as a mutually-supporting society, some others entertain the feeling that decisions made at lower levels would be reversed by decision-makers at higher levels.

(iii) **Applications to Multiple Levels.** The citizens often send even their first application simultaneously to higher levels of administration, both official and political. Sometimes the lower channels of administration are ignored and the application is initially sent to the higher level political executive. The result often is that the officer on the spot remains ignorant of the citizen's grievance till it is communicated to him from above. The higher level decision-makers hardly take steps to advise the citizen to follow the proper channels of procedure.

Even where the citizens address their application or representation to the officer on the spot, they endorse copies of the same to various other and higher levels; sometimes every copy is written or typed in such a way as to give the impression of being the original one. All or many of the higher levels so addressed, in turn, call for a report from the officer on the spot. Coming as it does from the higher levels, the officer cannot ignore this demand for a report; on the other hand, he gives priority to the matter at the cost of others which may, in his judgment, be more important.

This whole phenomenon of applications being submitted only to higher levels of administration or to different levels of administration simultaneously is indicative of lack of confidence among the citizens about personnel at lower levels.

SUMMARY

The problem of machinery and procedures for redress of citizens' grievances needs to be approached in the background of the aforesaid factors and developments in the theory of organizations and ideology and systems of administration in India and the consequences thereof. Our hypothesis is that we have not yet been able to evolve a philosophy of administration or an organizational and procedural system which could handle the complaints of citizens in a speedy and effective manner. We are particularly concerned with the image of growing dissatisfaction among the citizens in relation to the administrative officials and with the factors making for mutual alienation of citizens and officials. We are greatly interested in examining how far this image is justified by empirical evidence and what needs to be done to adapt the present structure and procedures of administrative machinery to the growing responsibilities of Government and the expected arrival of the Lokpal and Lokayuktas on the administrative scene.

CHAPTER TWO

Grievance Agencies : An Overview

HISTORICAL AND CONTEMPORARY PERSPECTIVES

In the context of citizens' grievances, the problem of administrative malpractices, of misuse or abuse of discretionary powers vested in government officials, and in present-day parlance, of bureaucratic malaise, is fairly old; but never has it assumed as much gravity and urgency as it has today. Various causes have contributed to this situation; notable among them being the growing consciousness among citizens of their rights and privileges in a democracy, the acceptance of a Welfare State ideology, the planning and development endeavour and the growing size of administrative organizations as a concomitant of increasing governmental functions and responsibilities. The expansion of bureaucracy and multiplication of administrative processes have led to an increase in the opportunities for abuse of power and discretion. The problem is aggravated still further by the scarcity of materials and resources, the consequent need for controls and licences for their optimum utilisation, the deterioration in standards of staff competence and the laxity of general supervision and discipline.

The decentralization of authority and delegation of powers are regarded as the basic tenets of an efficient organization. Any attempt or suggestion to reverse this trend on the ground merely that it might lead to abuse or misuse of power would be tantamount to cutting at the roots of organizational efficiency. The efforts at reforms and achievement of citizens' satisfaction have, therefore, been directed invariably towards toning up the administration and devising

sufficient checks and safeguards against a **mala-fide** and arbitrary use of power. These efforts can be reviewed from three angles:

- (a) Previous literature on the subject;
- (b) Existing machinery and procedures for redress of citizens' grievances, i.e., the internal checks on administration; and
- (c) the External checks on administration including the institution of Ombudsman (or its equivalent).

PREVIOUS LITERATURE ON THE SUBJECT

Considerable attention has been paid during recent years to strengthen governmental machinery so as to make it a more effective instrument for redress of citizens' grievances. The efforts towards this end are reflected in the growing literature on the subject. Some of this literature¹ is in the form of articles, some a part of the reports of Committees appointed for reforms in administration and the rest is in the form of research studies undertaken on various aspects of the problem. An attempt is made in the following pages to refer in brief to some of the important findings of these studies.

Field Study Project in Sabarkantha District in Gujarat by G.D. Patel (1964)

A Field Study headed by Dr. G.D. Patel of the Planning Commission was made in 1962-63 in Sabarkantha District of

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1. Among others, mention may be made of the following:
 - (i) Government of India, **Report of the Committee on Prevention of Corruption** (Chairman : K. Santhanam), New Delhi, Manager of Publications.
 - (ii) Lok Sabha Secretariat Research Branch, "The Ombudsman in other countries," **The Journal of Parliamentary Information**, Vol. X, 1964, pp. 31-38.
 - (iii) Administrative Reforms Commission, **Interim Report on Citizens' Grievances** (1966).
 - (iv) Government of Rajasthan, Department for Removal of Public Grievances, **First Annual Report**, 1964-65.
 - (v) Reports of various Administrative Reforms Committees and Individuals vide Appendix I.

Gujarat." The report was presented to the State Government in May, 1964. The main objective of the study was to examine the existing administrative procedures of different departments at the District level, and to suggest measures for removing the prevailing procedural difficulties, administrative bottlenecks, malpractices and delays.

The Study highlights the extent of delays that occur in Government offices. Out of 1,977 pending applications for the grant of village sites, 1,121 were pending for six months, 396 for one year, 251 for two years, 165 for five years and 39 for ten years or more. Some of the important suggestions made in the report relate to proper recruitment and training of staff; incentives for good work; equitable distribution of work; rationalization of administrative procedures; prescribing time limits for the disposal of applications; close co-ordination, inspection, supervision, reduction in paper work; fewer and simpler laws; checking of undue interference of public men and the appointment of a 'Grievanceman' at the State|District level.

Report on the Administrative Survey of the Surat District by N.B. Desai (1958)

The main objective of the **Report on the Administrative Survey of the Surat District** by N.B. Desai³ was to examine the existing machinery at different levels in Surat District from the viewpoint of the procedures and practices and to assess their efficiency. The focal point of interest to us is the examination in this study of the structure and working of the Revenue Department and the author's observations pertaining to delays in that Department. According to this report the census of pending cases held by the Government in 1955 showed that 30,347 cases were still awaiting official decision. The number of cases pending for more than six months was 12,593 and for 10 years and more, the number was 815. These cases related mostly to land, city survey,

2. Government of Gujarat, **Report on the Sabarkantha Field Project** (Government Central Press, 1964).

3. N. B. Desai, **Report on the Administrative Survey of the Surat District**, the Indian Society of Agricultural Economics, Bombay, 1958.

land acquisition, record of rights, etc. One of the most important reasons for the accumulation of cases, in the author's view, is the practice "of referring the majority of cases to subordinate offices for furnishing the information without specifying the points on which information is required." The report mentions the following among other factors being responsible for delay: (1) lack of knowledge, of official procedures and practices and absence of efficient methods of work; (2) lack of training and guidance to clerks; (3) lack of effective control by responsible officers; (4) unequal distribution of work; (5) lack of reference material such as law books, rules, standing orders, etc.; (6) lack of clarity in circulars, calling for reports from subordinate offices without telling them on what points information is required; and (7) want of time-saving devices such as standardization of forms relating to enquiry, scrutiny, issue of orders, etc. The recommendations made in this report emphasise the recruitment of the right type of personnel, in-service training to Government officials, strict observance of time-limits in disposal of cases, preparation of weekly arrear statements, proper planning and distribution of work, supply of up-to-date office manuals to subordinate staff and so on.

One of the findings of this report is that the Collector is burdened with numerous kinds of work, with the result that his important role as co-ordinator of all agencies is neglected. The report, therefore, suggests that additional officers should be attached to the District Collector to relieve him of many routine activities.

Report of the Orientation and Study Centre, Junagarh (1965)

The Orientation and Study Centre, Junagarh, conducted a research study on "Helping the cultivators in getting loans from Land-Mortgage Banks for wells, engines and pumps".⁴ It came to the conclusion that the people were reluctant to apply for loan because: (1) even two years after submission of the application, they could not get a loan; (2) they had to spend a lot of money in the process; and (3) the process was lengthy.

4. Orientation and Study Centre, Junagarh, **Helping the Cultivators in Getting Loans from Land-Mortgage Banks** (Mimeo), (1965).

Report of the Commissioner for Public Grievances, Government of India (1966)

In his first report to Government, the Commissioner for Public Grievances has expressed the view that the existing governmental machinery is not adequate to deal with complaints from the public. He feels that the present Complaints Officers appointed in each Ministry have neither the time nor the necessary status to act as a corrective for administrative aberrations. Delays continue to occur in Government departments and the replies when sent are too 'brief' and 'laconic' to satisfy the citizens. He stresses the need for appointing Joint Secretaries to Government as Complaints Officers, with sufficiently spare time from their other responsibilities to undertake independent investigation.⁵

Reports of Administrative Reforms Committees

A number of State Governments have set up, from time to time, Committees for suggesting reforms in administrative machinery and procedures. Generally speaking, the reports completed before 1960 do not specifically touch upon the question of citizens' grievances *vis-a-vis* the administration. In recent years, however, the Administrative Reforms Committees appointed by various State Governments have given significant attention to the toning up of administration with specific reference to the problem of citizens' grievances.

A brief summary of the recommendations made by the various Administrative Reforms Committees, as also by a few individuals, is given in Appendix I. These recommendations touch upon various aspects of the problem—ideological, structural and procedural.

The Administrative Reforms Committee Rajasthan,⁶ (1963) lays emphasis on the need for courtesy and respect being shown to the views of the people's representatives, urges the appointment of an independent and high-powered body in the nature of an Ombudsman, encourages the "office-oriented"

5. As reported in the *Hindustan Times*, dated the 31st October, 1966.

6. Government of Rajasthan, *Report of the Administrative Reforms Committee*, 1963.

pattern of administration, and recommends reduction in the number of dealing levels.

The Report of the Punjab Administrative Reforms Commission⁷ (1964-66) recommends greater delegation of authority "all along the line", reduction in the number of stages in the passage of a file to the decision-making level, transmission of a correct picture of governmental performance to the people, and accessibility of officers to the people at appointed hours.

The Government of Kerala had appointed an Administrative Reforms Committee in 1958. Subsequently, they had appointed another Committee (1965-67), called the Kerala Administrative Reorganization and Economy Committee.⁸ The latter Committee deplores "slackness" in the disposal of business in "almost every office of the Government" and adds that "indiscipline among Government servants has been sweeping the State". The report emphasises the importance of integrity and efficiency at all levels as basic to good administration. It recommends that there should be a periodical assessment by Government of the extent to which civil servants have or have not been able to ensure prompt disposal of business in Government offices and to show courteous and sympathetic attention to individual citizens and be accessible to members of the public.

The Andhra Pradesh Reforms Committee⁹ (1964-65) recommends acknowledgment of every application and appointment of a receptionist of the rank of U.D.C. in each Collectorate.

The report on District Revenue Offices by M.G. Pimputkar¹⁰ (1959) recommends that there should not be more than one middle-man between the noting hand and the officer who can give orders, that there should not be too many halting

7. Government of Punjab, Report of the Punjab Administrative Reforms Commission (1966).

8. Government of Kerala, Report of the Administrative Reorganization and Economy Committee, (1965-67).

9. Government of Andhra Pradesh, Report of the Administrative Reforms Committee (1964-65).

10. M. G. Pimputkar, Report of the Reorganisation of District Revenue Offices, Government of Bombay (1959).

places or too much tossing of papers, that there should be time-limits beyond which no one should be allowed to keep papers pending with him and that there should be regular system of inspections.

All these recommendations are, to our mind, well known and the very fact of their reiteration leads one to think that their implementation leaves much to be desired.

Studies by the Indian Institute of Public Administration

The Indian Institute of Public Administration also has been interested in the problem of citizen-administration relationship and a few research studies on the subject have been conducted under its auspices. An empirical study on **the Citizen and Administration in a Developing Democracy** was carried out in Delhi State in 1964 by S. J. Eldersveld, V. Jagannadham and A. P. Barnabas. The data collected in connection with this study show certain "unexpected" patterns of public contacts with and opinions about administrative officials—patterns which can make one both optimistic and alarmed. One feels optimistic because the study reveals enormous opportunity for the citizens to be influenced by the administrative cadres, since 60 to 75 per cent of the citizens in urban and rural areas have frequent contact with the officials and only less than ten per cent seek to live in complete isolation from the bureaucracy. The study further suggests certain critical restrictions on "information flow" in the Indian system. In rural Delhi, 73 per cent of the well-to-do villagers have some contact with the officials while 27 per cent of those in the lower income group are in similar contact.¹¹ The Study reveals that there is "a complex and paradoxical mosaic of support and hostility, of consensus and critique"¹² in the attitudes of Indian citizens towards their Government and particularly its officials. From 75 to 90 per cent of

11. S. J. Eldersveld, V. Jagannadham and A. P. Barnabas, **The Citizen and Administrator in a Developing Democracy**.

(i) Indian Institute of Public Administration, New Delhi, 1968, pp. 157-59; and

(ii) Scott, Forseman and Company, Glenview, Illinois, 1968, pp. 134-36.

12. *Ibid.*

citizens view governmental jobs as prestigious, and 90 per cent feel that health and community development programmes are worth-while.¹³ On the other hand, a majority of them feel that "50 per cent or more of the officials are corrupt, large proportions (60 per cent urban, 32 per cent rural) say their dealings with officials are unsatisfactory."¹⁴ One of the prominent conclusions of this study is that "the image which persists in our data is one of citizens' acquiescence and support as well as actual and potential disaffection."¹⁵

The study sums up the essence of citizen-administration relationship as revealed by its data in these words:

There appears to be a complex attitudinal and perceptual set of expectations about the citizen's relationship with administration. The components of this syndrome are: lack of self-confidence on the part of the ordinary citizen in dealing directly with officials, a feeling that the best way to deal with administrators is by enlisting the support of others, particularly individuals with the right contacts and "political pull", that administrators do not and will not treat all people equally and that their administrative actions are final, complaints availing very little or being difficult to process.¹⁶

Another study, by A.P. Barnabas, on the Experience of Citizens in Getting Water Connections in Delhi brings out that the majority of the public are unaware of the procedures and the pre-conditions for getting water connections; that the public avoid going to the Corporation themselves and prefer to get things done through the middle-man; that both the public and the plumbers feel that unless "speed" money is paid, the files do not get momentum; and that the corruption seems to be more prevalent at cutting edge level both in the office and in the field.¹⁷ According to this study, "there

13. Eldersveld, Jagannadham and Barnabas, op. cit.

14. Ibid.

15. Ibid.

16. Ibid. (i) p. 29 and (ii) p. 27.

17. A.P. Barnabas, The Experience of Citizens in Getting Water Connections, The Indian Institute of Public Administration, 1965, pp. 27-28.

prevails among the public a considerable degree of feeling that there is deliberate delay, harassment and discourtesy in many departments of the Corporation.¹⁸ On the contrary, the viewpoint of the officers is that the public wants to get things done expeditiously or out of turn and even without completing all the formalities.¹⁹ According to this study, "one of the most important things that need to be done is to develop greater communication between the Administration and the public with regard to administrative procedures".²⁰

Latest in the series is the study of "Citizens' Grievances in Development Administration" conducted for the Administrative Reforms Commission by A.P. Barnabas.²¹ The study looks at the whole problem of citizens' grievances in the context of Knowledge, Experience, Perceptions, Attitudes and Corruption. It goes on to identify a number of points that make for the mutual alienation of the citizens and the officials at the village and upper area levels. A few of the important facts discovered by this study are:

- (1) In the three areas of Taccavi Loan, Maternity and Child Welfare Centres and Family Planning Centres, the knowledge among the people was poor (page 19);
- (2) There is not only lack of knowledge among the villagers but even among the officials themselves regarding the eligibility for grant of taccavi loan, the agencies for its recovery and the purposes for which taccavi loan is given (page 21);
- (3) About three-fourths of the people who had been to the hospital had to pay for the cost of the medicine or injection, and about one-fourth for getting the injection itself, though nearly 60 per cent of the population knew that they were not required to pay for the health services (pages 35-36);

18. A. P. Barnabas, *op. cit.*, p. 26.

19. *Ibid.*, p. 26.

20. *Ibid.*, p. 28.

21. A. P. Barnabas, *Citizens' Grievances in Development Administration*, (Mimeo), Indian Institute of Public Administration, 1966.

- (4) The villagers and the officials are both alienated from the administration (page 61);
- (5) Only about 13 per cent of the people felt that Ministers are primarily interested in the promotion of national good and welfare of the villagers, while about a third of them seemed to think that the primary interest of Ministers was to strengthen their own political party or their own political position (page 65).

The study suggests, *inter alia*, that each State Government should have a Central Grievance Officer common to all departments as well as a Grievance Officer for each Government department (page 149); (2) the number of dealing levels should be reduced (page 153); (3) more information and education should be provided both to the public and to the officials about the services provided by Government and the procedures prescribed therefor (page 27); (4) training programmes of officials at all levels should be reviewed (pages 164-65); and (5) there should not be too much probe or interference by Ministers in the power or discretion of officers.

Many of the conclusions and suggestions mentioned above are not related to citizens' grievances in the substantive sense of the term; nevertheless, they do point to the deficiencies which give rise to dissatisfaction among the citizens.

INTERNAL COMPLAINTS AGENCIES: EXISTING MACHINERY AND PROCEDURES

Citizens' satisfaction has been, or rather has been regarded, as the chief motto of a democratic State. The devices to ascertain and remedy the grievances of citizens against administrative errors or inaction have been an integral part of administrative system since time immemorial, though their nature has been changing with the change of times. We hear of stories how in the hoary past, the king, if he was benevolent, would go about *incognito* or send his agents to find out the difficulties of his people. In the Mughal period, the "Call Bell" installed by Jehangir for citizens to call on him at any time by ringing the bell, offers a classic example of the "open-door" policy adopted by him for redress of the citizens' grievances. The "open-door" policy was continued,

though in a somewhat different form, during the British regime, when the Collector used to go on horse-back to inspect the villages and to camp there for a few days. One of the important functions of the Collector during such camps was to hear and remove public difficulties, complaints and grievances on the spot.

The "open-door" policy of the autocratic and paternalistic regime of olden days when the ruler's or his agent's decision was termed as "law" can, at best, have a limited application in the democratic regimes of today. This is so not only because the pressure of developmental activities and availability of faster means of transportation have curtailed the time that the Collector spends "in camp", but also, and mainly, because his decisions and actions have to be guided by the impersonal system of bureaucratic rules and precedents, reference to which is hardly possible in a camp. In fact, the traditional system of "on the spot" disposal of complaints and grievances was not without its defects. It involved the possibility of a wrong decision, or the decision which might cause wrong to someone else. Nevertheless, it served as a rough and ready means of redressal in the relatively simple and personalized systems of administration.

The Government of India as also some State Governments have already taken some steps, during the past few years, to strengthen, or rather, to create, the machinery and procedures for dealing with citizens' grievances. In June, 1964, the Government of India issued to Central Ministries certain guidelines for satisfactory handling of complaints from the public.²² The then Home Minister forwarded these guidelines to the State Governments in the hope that they might like to review their existing arrangements about dealing with public grievances. The two essential objectives of the arrangement suggested were :

- (i) The system of handling complaints and grievances in the existing hierarchy of offices should be tightened up to ensure that every complaint

22. Government of India, Ministry of Home Affairs, Department of Administrative Reforms O.M. No. 30/1/64-AR, dated the 29th June, 1964.

received quick and sympathetic attention leaving . . . no ground in the mind of the complainant for a continued feeling of grievance; and

- (ii) for big organizations having substantial contacts with the public, there should be a distinct cell under a specially designated senior officer, which should function as a sort of "outside complaints agency" within the organization and thus act as a second check on the adequacy of disposal of complaints.

The guidelines issued by the Ministry of Home Affairs also gave a list of check-points for reviewing the existing arrangements for handling complaints and grievances as well as an outline showing how the "Complaints' Cell" will work in collaboration with the Enquiry-cum-Reception Centre.

Almost all the State Governments, with a few exceptions, have established some machinery and laid down procedures for dealing with the citizens' complaints. However, a study of the grievance machinery and grievance procedures obtaining at present in various States indicates an "individualistic" approach²³ to the problem. Not only do the systems deviate a great deal from the model suggested by the Government of India, but there is a considerable variation among the systems evolved by individual States.

Some State Governments have nominated an officer, generally part-time, in each Secretariat department, while one or two State Governments have gone so far as to provide a senior officer as State Director of Public Grievances. A few State Governments have created Grievance Officers (whole-time or part-time) at the District level and/or the District level Grievance Committees, consisting of both officials and non-officials. A few State Governments have defined the role of Ministers in the grievance procedure. Some State

23. This should not be taken to mean any criticism of these variations, which might be due to the local characteristics and past approaches of each State. In fact this variation was one of the factors that influenced the design of our study, as well as our approach to the problem in a rather broad and general way. That is to say, the problem will need further studies in depth with the spotlight focused on smaller areas.

Governments have issued specific instructions on such procedural aspects as acknowledgments, fixation of time-limit for disposal of communications from the public, handling of enquiries and complaints from M.P.s, M.L.A.s and what the officers should do while on tour.

The machinery of Vigilance Commission set up by the States like Madras, Rajasthan, U.P., West Bengal, Gujarat, Madhya Pradesh, etc., is outside the scope of our study. The function of the Vigilance Commission is generally to investigate the cases involving corruption, bribery, misconduct, alleged exercise or failure to exercise, for the purpose of serving improper and corrupt designs, the powers delegated to a public servant. The Vigilance Commission is concerned primarily with detection or prevention of corruption. Our study is concerned with the manner of handling citizens' complaints and applications in Government offices. Even though the two may have areas of intersection, we did not study the working of the Vigilance Commission.

We may now turn to a brief State-wise description of the existing machinery and procedures for handling applications from the public and redressing their grievances.

Andhra Pradesh

In accordance with the recommendations of the State's Administrative Reforms Committee, 1960, the State Government have issued instruction that there should be:²⁴

- (i) a Central Reception Office in the Secretariat manned by a Superintendent for attending to enquiries and requests for information;
- (ii) a receptionist of the rank of an Upper Division Clerk in each department of the Secretariat for directing the visitors to the concerned officers;
- (iii) an Assistant Secretary nominated in each Department for supervising the work of the departmental

24. Government of Andhra Pradesh, General Administration (O. & M.) Department, G.O.Ms. No. 144, dated the 25th January, 1967, and D.O No. 1599/ARO & S/67-1, dated the 14th December, 1967, from Shri B. Devadatham, General Administration Department, Government of Andhra Pradesh.

Receptionist and for attending to public relations work such as pooling and transmitting publicity material to the Information and Public Relations Department;

- (iv) an Upper Division Clerk in the offices of the Heads of Department to act as Receptionist for assisting the public;
- (v) an officer nominated in the office of the Head of Department for attending to public relations work and for furnishing the necessary publicity material to the Department of Information and Public Relations; and
- (vi) a Receptionist of the rank of an Upper Division Clerk in each Collectorate.

It is also laid down that Visitor's Room may be provided in the offices where the number of visitors justifies provision of a room.

The State Government have also laid down the procedure²⁵ for attending to Members of Parliament or the State Legislature. According to this procedure, Members of Parliament and of State Legislature should be given preference over other visitors for purposes of interview; their request for information should be immediately acknowledged with the promise of expeditious reply and the Collectors and other District Officers may ordinarily furnish to them, when requested, information within their cognizance such as statistics or facts relating to local matters of public concern; but they should not divulge the contents of correspondence or communicate any information which is of a confidential nature or which involves statement of general policy for which a higher authority is responsible.

The State Government have also issued instructions²⁶ regarding the submission and receipt of petitions and other

25. Government of Andhra Pradesh, General Administration (Services-A) Department, G.O.Ms. No. 1293, dated the 22nd August, 1958.

26. Our observations are based on the Extract from the Andhra Pradesh Government Business Rules and Secretariat Instructions.

papers of the same class addressed to Government. These instructions list out the type of cases, in which the petitions from the public will be liable to summary rejection. The most important of these are:

- (i) when the matter was considered and decided by the Government in the past and no new facts are brought to light;
- (ii) when the petition is an appeal arising from a judicial decision;
- (iii) when the petition is against a decision which is declared to be final by law or statutory rule;
- (iv) when the petition is against the failure of the Government to exercise a discretion vested in them by law or rule;
- (v) when law provides a different or specific remedy relating to the subject-matter of the petition;
- (vi) when the petition is a representation against the action of a private individual or of a body of private individuals regarding the private relations of such individuals or body with the petitioner; and
- (vii) when the petition is illegible, unintelligible or is written in improper language.

Assam

The Government of Assam had constituted in 1964²⁷ Public Relations Committees in all District and sub-divisional Headquarters "to provide a forum at those levels for direct relations of the public with the Government machinery and to focus attention of the Government on public grievances."

The Deputy Commissioner is the Chairman of the Committee for the Headquarter sub-division and the Sub-divisional Officer is the Chairman of the Committee for an independent sub-division. The sub-divisional Public Relations

27. Government of Assam, O & M Division letter No. ARG 36/65, dated the 11th December, 1967.

Officer acts as the Secretary of the Committee. The Committee comprises the following members:

In Plains Sub-Divisions

1. Members of Parliament;
2. Members of State Legislatures;
3. Chairman of Municipal Board;
4. Chairman of Town Committees; and
5. President of Anchlik-Panchayats.

In Hills Sub-Divisions

1. Members of Parliament;
2. Members of State Legislatures;
3. Chief Executive Member; and
4. Members of District and Regional Council.

The Committee is required to deal with (a) all suggestions for improvement of the administrative machinery; (b) any complaint of general nature against the administrative machinery; and (c) any defect in the administrative machinery pointed out in any complaint against any Government office or Government servant. The recommendations of the Committee on the suggestions for improvement or on the general complaints discussed by it are forwarded to Government in the respective departments. The Committee is required to meet at least once in a quarter.

Bihar

Instructions²⁸ have been issued to all gazetted officers to set apart an hour daily for listening to public grievances, and to maintain a register giving details of the person interviewed together with a gist of the complaint. The register should be checked by the superior officers through periodical surprise inspections.

At the District level there is also a provision²⁹ for the

28. Government of Bihar Cabinet Secretariat Memo No. C.S.-34 and C.S./MS-1026/64/671, dated the 3rd January, and 23rd January, 1964, respectively.

29. Letter No. OM/R-3028/66/466, dated the 19th November, 1966, from the Cabinet Secretariat (O & M Section)—Government of Bihar to Indian Institute of Public Administration, New Delhi.

setting up of anti-Corruption Committee with the District Magistrate as Convener, the Superintendent of Police, M.L.A.s, President and Secretary of Bar Association and a few nominees of other non-official bodies, as members. This Committee is expected to take necessary action on the complaints brought to its notice by the members.

Gujarat

The State Government have laid down³⁰ procedure for dealing with applications from the members of public as well as problems put forward by the M.L.A.s. The special feature of this procedure is the emphasis on "on-the-spot disposal" of the citizens' applications.

The following types of applications are not to be entertained:

- (i) applications on matters which are to be decided by a Court of Law, Tribunal, etc., or relating to criminal offences in which a recourse can be had to a Court of Law;
- (ii) applications on matters in respect of which the applicant has failed to approach the competent authority unless there are special reasons for this lapse; and
- (iii) applications about matters which have been decided by the Government in the past and no new facts have been brought out.

The instructions applicable at the Secretariat level are:

- (i) applications received by the Minister should be passed on to the Deputy Secretary nominated for the purpose and, after instructions for their disposal have been given, these should be sent to the Branches concerned for further action;
- (ii) in order to facilitate follow-up, a register should be maintained showing district-wise office-wise

30. Government of Gujarat, General Administration Department Resolution No. DPS-1064—ASS-I, dated the 2nd December, 1964, and their letter No. 87/3(10-1)/66-AES, dated the 15th December, 1967.

details of applications forwarded to the Collectors or other officers for enquiry or report;

- (iii) advance publicity of Minister's visit to the District should be given by the Collector so that the public may send in their applications to him for being placed before the Minister. The applications should be processed by the concerned officer and the required information kept ready. The Deputy Secretary concerned would come ahead of the Minister, scrutinise all the applications in consultation with concerned officers and indicate action. The applicants may, thereafter, see the Minister to explain their cases. The Minister, after consulting the Collector, if necessary, will apprise the correct position to the party and indicate what the Government can do in the matter. The cases, which cannot be decided on the spot, should be finalised by the concerned officials by a specified date and reply thereto should be sent to the applicant under intimation to the Deputy Secretary and Private Secretary to the Minister concerned.

Applications received by the Heads of the Departments| Offices are likewise required to be dealt with by selected Assistant|Deputy Director. It is his responsibility to scrutinise all applications, representations, etc., received in the department, to make necessary entries in the register, to forward them to the concerned Branches for necessary action and to keep the Head of Department|Office informed of their progress. Heads of Departments|Offices are required, while on tour, to follow the procedure laid down for the Ministers.

The Collectors are required to follow the above-mentioned procedure for dealing with applications during their tour of the District.

The problems put forward by the M.L.A.s are handled by Ministers through personal discussion. On matters which cannot be decided on the spot, the concerned Deputy Secretary gets the comments of the Officers|Collectors concerned and submits his report to Government. The references from M.L.A.s are to be followed up invariably by the Deputy

Secretary demi-officially and it is his responsibility to ensure that replies to all communications from M.L.A.s are duly sent. While references from M.L.A.s on general matters are to be given priority, those on individual matters are to be treated at par with references from the general public.

Detailed rules for making applications to Government have been issued³¹ in a pamphlet form (in Gujarati) to serve as a guide for the general public. This pamphlet also contains a list of subjects allotted to various departments as well as a standardised application form.

The Government of Gujarat have also set up a Public Relations Unit in the General Administration Department, under the Minister for Public Relations, for expeditious disposal of complaints and grievances from the public. This Unit deals with applications received by it as well as other cases delayed in various Secretariat departments. It also attends to the long-pending applications of government servants in respect of their pay-bills, allowances, pay-fixation, promotion and gratuity.

The function of this Unit is early finalization of cases of grievances which are reported to it as unduly delayed.

Haryana

The grievance machinery set up by the former Government of undivided Punjab continues to exist and the Director of Public Relations is now functioning as Director of Grievances.³² In the former Punjab State,³³ a Grievance Department having jurisdiction over all Government offices excepting the judiciary had been set up. Some of the important functions and duties of this Department were:

- (i) to receive complaints directly from public (including retired Government servants) or through

31. Government of Gujarat, General Administration Department, Notification No. ANS-1064-AES, dated the 8th February, 1966.

32. Letter No. 789-IAR-67|9173, dated the 24th July, 1967, from the Government of Haryana, Political and Services Department, Chandigarh to the Indian Institute of Public Administration, New Delhi.

33. Letters No. 2419-DG(2)-66|1709, dated the 12th August, 1966 and No. 3602-DG(2)|66, dated the 18th November, 1966, from the Director of Grievances and Joint Secretary to the Government of Punjab to Indian Institute of Public Administration, New Delhi.

Ministers or Secretaries to Government and to conduct enquiries directly or through the Department;

- (ii) to advise and assist the Heads of Departments and Deputy Commissioners in setting up arrangements for quick disposal of public grievances;
- (iii) to ensure that Government instructions for proper redress of public grievances are carried out in all departments and districts;
- (iv) to undertake enquiries in cases of undue delay and of urgent nature;
- (v) to study causes of major grievances and to propose remedies and to recommend changes in law, rules, etc., where necessary;
- (vi) to suggest ways and means to improve the machinery for removal of public grievances;
- (vii) to recommend to the concerned department action against defaulting officials and, if these recommendations are not complied with or agreed to, to bring the fact to the notice of the Chief Secretary or the Chief Minister;
- (viii) to ask the concerned Departments to send reports to the Police or the Vigilance Department if a criminal case is made out; and
- (ix) to ensure effective supervision and submit annual review on the receipt and disposal of complaints.

A Public Grievance Office was also established, with a Public Relations Officer of the status of Under Secretary as its head. This office was, however, abolished subsequently for reasons of economy.

The Government of Haryana³⁴ have inherited from the former Government of undivided Punjab "Grievances Committees" operating at the District level as well as at the sub-divisional level. The District level Committees in the

³⁴. The present Government of Punjab also have similar Grievances Committees at the District as well as at the sub-divisional levels.

former Punjab consisted, besides the District Departmental Heads, of all the M.P.s, and M.L.A.s of the District, President and Secretary of the District Congress Committee,³⁵ the President of the District Headquarters Municipality, the District Chairman of Bharat Sewak Samaj, the Chairman of the Sada-char Samiti, a representative each of the farmers and traders in the District, the Chairman of the Zila Parishad, as well as the Chairman of the Block Samitis by rotation for a period of six months.

The essential function of these Committees is to ensure that all grievances are properly looked into; they do this through a report of the action taken which is placed before the Committee. Where any non-official member is not satisfied with the result of the enquiry, the Deputy Commissioner entrusts the matter to the Public Grievances Officer of the District and gets it re-investigated in consultation with the member complaining.

The Government have also made provision for a Public Grievance Officer in the Deputy Commissioner's Office. Some of the important functions of the Public Grievance Officer are:

- (i) to supply to the public detailed information through an enquiry counter to be managed by one of his assistants;
- (ii) to meet and hear persons complaining of delays, etc., and take remedial action;
- (iii) to contact concerned Departmental Heads for expediting the cases brought to his notice and to intimate the present position about the cases to the parties who come with such requests;
- (iv) to study the working of District Offices with a view to effecting improvements in procedures; and
- (v) to bring to the notice of the Deputy Commissioner cases of default.

35. We are not aware whether, with the installation of the new Ministry, the composition of the Committee has undergone any change.

It has also been laid down by the State Government that officers at various levels should bear in mind the following instructions:

- (i) Anonymous and pseudonymous complaints should be rejected and all other complaints should be acknowledged within one week;
- (ii) the authority competent to punish should be made responsible for disposal of complaints;
- (iii) while representing to higher authority, the applicant should indicate whether lower level authorities were approached and have failed to give him justice;
- (iv) an affidavit is required on applications relating to corruption;
- (v) the complaint should not be passed on for disposal to an officer below the rank of S.H.O. | Naib Tahsildar;
- (vi) where the complaints prove to be false or malicious, action to prosecute the complainant should be taken at the appropriate level;
- (vii) the period prescribed for disposal of complaints is normally four weeks. Efforts should, however, be made to do it earlier;
- (viii) periodical returns prescribed by the Directorate of Grievances should be submitted regularly to the concerned quarters, and the quarterly progress reports of complaints received and disposed of in each Department should be reviewed in the periodical meetings of the Ministers with their Secretaries | Heads of Departments;
- (ix) the Departments should include a paragraph in their Annual Administration Report relating to the progress of disposal of complaints | grievances during the year; and
- (x) the Director of Grievances can address any officer of the Government directly and obtain any

information relevant to the enquiry, or requisition any files, documents, etc.

Jammu & Kashmir

All the District Offices have been asked to devote some time daily for listening to public grievances and to take remedial action. They are required to do regular touring and submit monthly diaries.³⁶

The Government of Jammu and Kashmir have set up a Grievance Cell, which functions directly under the Chief Secretary. The Grievance Cell looks into the grievances of citizens, including public servants, and examines all cases both for immediate redressal and for evolution of procedures for future in order to avoid recurrence of grievances of similar type. The Cell can call for any document from any Government department for this purpose and can also inspect the records in the department itself.

Kerala

A complaint box has been installed at the Raj Bhavan to enable members of the public to put in their representations, complaints, etc., against the administration. Representations so received are sent by the Governor's Secretariat to the concerned Secretarial departments for necessary action.

It has been laid down³⁷ that the complaints received from the Governor's Secretary should be entered in the Central Registry of the concerned department in a separate register and acknowledged. The Secretary of the department or a Deputy Secretary nominated by him should ensure prompt disposal of the applications and submit fortnightly statements of action taken to the Governor's Secretary. The practice of sending fortnightly reports to the Governor was, however, discontinued after the formation of the Ministry in the State in March, 1967.³⁸

36. Letter No. G. D. (KAS) 56/66, dated the 7th October, 1966, from the Government of Jammu and Kashmir, General Administration Department and No. GD (O & M) 16.67, dated the 4th January, 1968.

37. Government of Kerala, Public (Miscellaneous) Department, Circular No. 93594-M5/65-2/PD, dated the 16th December, 1966.

38. Government of Kerala, O & M Division Letter No. 96517/67 O & M dated the 13th December, 1967.

Instructions have been issued to all the Executive Officers, Heads of Departments|Offices to set apart a particular time to receive petitions or to see persons who wish to make representations.³⁹ All Government servants have been instructed⁴⁰ to be helpful and co-operative in their dealings with the public and to be easily accessible. Officers, while on tour, are required to meet the local people and discuss with them local problems.⁴¹ They are also required to give adequate opportunity to the parties concerned to explain their cases before taking a decision. Matters of public interest are required to be considered, as far as possible, in public.

Madhya Pradesh

There is no specific machinery at the State level but under the existing procedure⁴² complaints are required to be scrutinized to see whether they are anonymous or pseudonymous and|or relate to matters of importance. Anonymous|pseudonymous complaints are generally to be filed unless allegations made appear *prima facie* to be correct. Those relating to matters of importance are decided by the Government after calling for the report of concerned officers, if necessary, and the complainant informed accordingly.

The Government of Madhya Pradesh have also constituted⁴³ at the District level two Committees to deal with public complaints and grievances—a Committee of non-officials and a Committee of officials. The Committee of non-officials consists of M.L.A.s and M.P.s representing the District. Members of the Rajya Sabha residing in the District also attend meetings of the District Complaints Committee of

39. Government of Kerala, O & M Division, Memo No. 58377/O & M|64, dated the 16th November, 1964.

40. Government of Kerala, O & M Division Memo No. 102545/O & M|65, dated the 6th May, 1966.

41. Government of Kerala, O & M Division Circular letter No. 67960|66|66|O & M, dated the 17th August, 1966.

42. Letter No. 214|I|O & M, dated the 17th September, 1966, and D.O. No. 304-976-1|O & M, dated the 23rd December, 1967, from the Government of Madhya Pradesh, General Administration Department, (O & M), Bhopal to the Indian Institute of Public Administration, New Delhi.

43. Government of Madhya Pradesh (General Administration Department) Memo No. 533-CR-46|I(IV), dated the 30th January, 1964.

non-officials. Ministers are not members of the Committee of non-officials. Government have powers to nominate members but the Committee's strength, including those nominated, does not exceed twenty-five. The Collector, functioning as the Convener of the Committee, convenes its meeting once a month and places before it, for scrutiny, all the petitions and complaints received by him. After scrutiny, the complaints are forwarded to the Committee of officials for suitable action.

The Committee of officials consists of all the District Officers of the various Departments except the District and Sessions Judge. The Collector functions as the Chairman of the Committee which also meets once a month and takes expeditious action on all complaints and petitions received from the Committee of non-officials.

Madras

The State Government⁴⁴ have set up the following machinery for dealing with grievances other than those relating to corruption:

- (i) A 'Complaints Cell' in the Public Department of the Secretariat under an Assistant Secretary to keep track till all the complaints received from the Cell and referred to various departments are finally disposed of.
- (ii) A 'Complaints Cell' in the Board of Revenue under an officer of the rank of Deputy Collector to receive complaints and to pursue them with various Branches of the Board till their final disposal.
- (iii) In the Offices of the Heads of Departments, Collectors and District Heads, an officer below the Head of the Office and responsible for administration is to work as 'Cell Officer' for receiving complaints and pursuing action thereon till they are finally disposed of.

44. Letters No. 11352/HP II/66-1, dated the 20th September, 1966 and No. 122264/PII/67-I, dated the 14th December, 1967, from the Government of Madras, Finance (MPC II) Department to Indian Institute of Public Administration, New Delhi.

At the District level, Monday is required to be treated as "Public Grievance Day" and the Collectors have been asked to remain in their Headquarters to receive petitions in person.

Maharashtra

The Government of Maharashtra have adopted a system⁴⁵ of assignment of a particular district to each of its Ministers who are expected to take cognizance of grievances pertaining to all the departments of Government in the District allotted to the Minister.⁴⁶ The Ministers may hand over the applications received by them to the concerned District Officers who should dispose them of in the light of Government instructions and submit compliance reports to the concerned Minister, Where any officer is not competent to take a decision himself, he should forward the case to the competent officer and report the fact to the Minister concerned.

Detailed rules have been prescribed for the preparation and submission of applications to Government and also for their disposal.⁴⁷ Following are some of the important guidelines to the public:

- (i) only the party aggrieved should make the application which should contain full name, address, and signature or thumb impression of the sender;
- (ii) the application should be concise, clear, complete in itself and should be written in intelligible and proper language;
- (iii) the application should not relate to matters which are **sub-judice** or which should more appropriately be decided by a Court of Law, Tribunal, etc.;
- (iv) the application relating to a particular matter should be addressed only to one individual, either Minister or the Secretary of the Department;

45. Government of Maharashtra, General Administration Department, Circular No. GMN-1065-B, dated the 23rd January, 1965, and their letter No. RCN|1067|ARC, dated the 15th December, 1967.

46. Government of Maharashtra, Political & Services Department, Resolution No. OFC-1059-B, dated the 7th July, 1959.

47. Government of Maharashtra, Political and Services Department, Notification No. OFC 1958-B, dated the 3rd December, 1958.

- (v) Appeals on matters decided by Government in the past will not be considered unless new facts are brought out;
- (vi) the applicant not satisfied with a decision of an officer should approach the higher officer, who is required to give reasons if the request is not conceded to. The party may then approach the higher authorities or the Government; and
- (vii) no notice would be taken of the applications from communal organizations, or on political matters.

Some of the salient instructions issued by Government to its officers are:

- (i) all the applications, with specified exceptions, should be acknowledged;
- (ii) applications received wrongly in an office should be forwarded to the concerned office under advice to the party;
- (iii) if a decision is likely to be delayed, the applicant should be informed of it;
- (iv) all applications should be dealt with expeditiously but those of an urgent nature should not be delayed beyond a week without specific approval of the Superior Officer;
- (v) matters concerning more than one department should be finalised by personal discussions which should take place twice or thrice a week;
- (vi) District Officers should ensure prompt replies to higher officers|Government, otherwise they are to be held personally responsible for the delay; and
- (vii) subordinate officers should not refer the matter to higher levels when they are themselves competent to take a decision.

At the District level it has been laid down that⁴⁸:

- (i) in every Head of Department or Office under the

48. Government of Maharashtra, Rural Development Department, letter No. ZPA-1064|68384-N, dated the 21st December, 1964, to all Chief Executive Officers of Zila Parishads, and Government of Maharashtra, Revenue Department, Circular No. 44153-F, dated the 22nd July, 1961 to all Commissioners|Collectors.

Zila Parishad a subordinate officer of adequate status should be nominated to deal with complaints received from the public. A register of complaints should also be maintained. The register should be periodically scrutinised by the Head of Department|Office;

- (ii) in the Revenue Offices there should be a designated subordinate officer for attending to visitors when the Head of Office is away on tour or after visiting hours;
- (iii) there should be an Enquiry Officer in the Collector's Office to satisfy the visitors on routine points;
- (iv) the District Publicity Officer, who functions under the State Director of Publicity, is required to bring to the notice of the Collector anything, connected with the District Administration, appearing in the Press; and
- (v) every Revenue Office should have Visitors' Room.

Mysore

The State Government have ordered" the creation of a 'cell' for assistance to public in the offices of Secretariat Departments, offices of the Divisional Commissioners|Deputy Commissioners|Tehsildars and Unit Officers of the District and Divisional levels. The 'cell' is to work under a gazetted officer of the concerned office. The 'cell' receives and hears petitions|representations of the public and ensures that prompt replies are sent to the applicants. It has also been laid down that all senior officers, including the Deputy Commissioners, should fix definite hours for receiving and hearing petitions from public. They should also receive petitions while on tour.

Instructions have also been issued that:

- (i) all letters, petitions, etc., received from the public,

49. Government of Mysore, Secretariat Circular No. GAD|91|OAC|65, dated the 8th September, 1965, and their letter No. GAD|1680|O & M|67, dated the 7th December, 1967.

barring a few exceptions, should be acknowledged within 24 hours;

- (ii) an **interim** reply should be sent to the applicant if the final reply is likely to be delayed;
- (iii) authorities competent to take action should initiate action without waiting for reports of the lower levels;
- (iv) Heads of Offices should insist upon action being taken by the authority to whom the power has been delegated and intervention or interference should be avoided; and
- (v) no meetings should be arranged during the hours fixed for receiving|hearing petitions from public.

Orissa

There is no separate machinery at the district or lower levels for dealing with public complaints. Anyone may approach the District Magistrate, Sub-Divisional Officer or the Tehsildar with a complaint and the officer concerned may enquire into it and give relief. If the officer to whom the petition about the grievance is made does not hear it, the petitioner may approach the higher authorities for relief.⁵⁰

Punjab

The machinery in Punjab is, by and large, the same as in Haryana with the following important modifications⁵¹:

- (i) The Director of Grievances does not have an independent existence now; he is a part of the Civil Secretariat;
- (ii) The Office of the Public Grievance Officer at the Secretariat has been revived. No member of the public can see any officer in the Secretariat

50. Letter No. 22851|Gen|AR-14|66, dated the 12th October, 1966, from the Additional Secretary, Government of Orissa, Political and Services Department, Bhubaneswar, to Indian Institute of Public Administration, New Delhi.

51. Letter No. 1141-DG(I)-67|13277, dated 20th June, 1967, from the Director of Grievances, Punjab, to Indian Institute of Public Administration, New Delhi.

department without obtaining prior permission of this officer. If any information about a particular case was required, the applicant should give it in writing to the Public Grievance Officer, who will arrange it to be supplied within a week by sending a requisition to the concerned Branch Officer. The Branch Officers are required to supply the information by the specified time, failing which the matter is to be taken serious note of and brought to the notice of the Chief Secretary/Minister-in-charge or the Chief Minister;

- (iii) The Committee at the District level is now named as District Vigilance Committee. It comprises M.P.s, M.L.A.s, M.L.C.s of the District, President of the Municipality at District Headquarters, Chairman, Zila Parishad and a representative of each political party represented in the State Legislature with the Deputy Commissioner as its Chairman. District Officers attend the meetings when any item concerning them is to be considered.

Rajasthan

At the State level, an office of the 'Director for the Removal of Public Grievances' had been created for dealing with grievances of public and the State Government employees. This office has since been abolished and departments are now themselves responsible for dealing with complaints pertaining to their respective departments.⁵²

All Offices having public dealings are required to have adequate facilities for reception and enquiries and also the provision of complaint boxes. Detailed instructions applicable to all Government offices have been issued for acknowledgment of applications received from the public and for sending replies to M.P.s and M.L.A.s. A register for public complaints is required to be maintained in each office. Applications are generally to be received by a gazetted officer, who is expected to give on-the-spot decisions as far as possible.

52. Position ascertained during our visit to the State.

Where it is not possible to do so, the matter is referred to the superior authority and the applicant is informed of the likely time when he may expect a decision. A time-limit has also been fixed for disposal of applications for licences, allotment of land, etc. Monthly returns are required to be submitted, indicating the disposal and pendency of such applications. It has also been emphasised that officers should keep a close watch on their subordinates and carry out surprise checks and inspections.⁵³

Uttar Pradesh

At the Secretariat level, the State Government have set up a 'Petition Department'. All complaints, applications, addressed to Ministers, etc., are required to be received in the Petition Department. They are then forwarded to the concerned departments for necessary action and report, wherever necessary, under advice to the applicant.

At the District level, there is a provision for the appointment of a 'District Complaints Officer' to receive complaints having a bearing on integrity or unseemly behaviour, against all classes of Government servants posted in the District. The complaints are then forwarded to the concerned officers for necessary action. In addition, every District Office is expected to keep a 'complaint box'.

The State Government have issued general instructions to the effect that:

- (i) all letter or petitions from public should be acknowledged and replied promptly;
- (ii) an **interim** reply should go if final reply is likely to be delayed. The petitioner|applicant should be told the reasons in polite language if his request is not granted;
- (iii) no action should be taken on anonymous or pseudonymous complaints as well as on complaints which are frivolous, scurrilous, deal with petty matters or are written in improper language;

53. Letter No. F. 13(5) O & M/60, dated the 10th November, 1966, from the Cabinet Sectt., Government of Rajasthan, to I.I.P.A. New Delhi.

- (iv) applicants should be advised in case the subject-matter of the application is **sub-judice** or the matter could be decided only in a Court of Law; and
- (v) a time-limit should be fixed when calling for report from a subordinate authority. The time-limit should be strictly adhered to.

West Bengal

The State Government have issued instructions that for attending to complaints and grievances of the public:

- (i) a 'Complaints Cell' with an officer of the rank of Deputy Secretary as Complaints Officer should be established in every Department|Office at the State level. All complaints pertaining to the departments should be passed on to him through the Head of Department|Office for processing and taking remedial action and the complainant informed of the action taken;⁵⁴
- (ii) a responsible officer should be designated as 'Complaints Officer' in every District Office as at the State level.⁵⁵

EXTERNAL AGENCIES: OMBUDSMAN AND OTHERS

As may be seen from the preceding description, administrative offices have been attempting to develop in-built checks on the acts or decisions of their officers. These checks have, however, never proved completely adequate for ensuring administrative consistency or citizens' satisfaction with the administration. A need has always been felt, and efforts have continually been made, for evolving agencies which are external to the administrative organization; and yet, which

54. Circular letter No. 479-GAC, dated the 28th March, 1966, from the Chief Secretary, West Bengal, to the Secretaries etc. of State Departments.

55. Circular letter No. 557(18)-GAC, dated the 16th April, 1966, from the Government of West Bengal, Home Department (Genl. Admn. Branch) to all District Magistrates|Commissioners of Divisions. Also Government of West Bengal, Home Department letter No. 297-GA(AR), dated the 18th December, 1967, to the Indian Institute of Public Administration.

have the right to voice the citizens' grievances, to ask questions, to examine official records and, if necessary, to criticise administration for the way it acted, or failed to act. The Press, the Administrative Tribunals, the Judicial Courts, and the Legislature, are the notable examples of such outside agencies, performing some or all these functions. A brief discussion about their adequacy for redress of citizens' grievances would perhaps not be completely out of place.

The Press

The Press is by far the cheapest forum for voicing a grievance against the Administration. The feature articles on administrative lapses are becoming an increasing phenomenon and gaining in popularity. "Letters to the Editor" is another feature through which people can voice their grievances. All that an aggrieved citizen has to do is to write a letter to the Editor explaining the wrong he alleges to have suffered at the hands of the administration. There is no obligation, however, on the part of the Editor to publish the letter as sent to him, nor is there any surety that the administration will take notice of a complaint, if published, and take suitable remedial action. By and large, the complaints that appear in the Press remain unrepplied, the soliciting reply that they sometimes do bring forth from the administration is but a feeble sign of life that still persists in the administrative organism.

The Press thus may succeed in a negative way in giving publicity to an administrative lapse but its positive capacity in having a grievance redressed is limited by its inaccessibility to official documents, and lack of power to investigate administrative action.

The Judicial Courts

An independent judiciary is an integral part of the democratic apparatus. It is perhaps the most potent instrument for ensuring the rule of law and checking the abuse of power. But even the judiciary has not been free from criticism from knowledgeable quarters. Judiciary, it is said, is unmoved, unless someone knocks at its door. It is concerned not so much with moral aspects as with legal aspects of the case. A citizen may have a grievance because of administrative delay or

inaction—but such matters are normally outside the purview of the Judiciary. The doctrine of justiciability limits the focus of judicial enquiry.

Delays in Courts is another factor that saps the will or inclination of many a citizen to challenge what he considers to be an unjust administrative action.⁵⁶ The cost in terms of money, time and convenience in getting a judicial redress of his grievance may be considered to be much too high by an average citizen. Courts have their uses, but, in practice, a majority of citizens cannot, and do not, approach them for action against pin-pricks, or arbitrariness on the part of administrative authorities.

The Administrative Tribunals

The chief value of Administrative Tribunals lies in the fact that they, like judicial courts, are expected to apply an independent mind to the merits of the case under dispute. Meant to serve as a comparatively cheap and informal substitute for judicial courts, they have the power to quash or reverse administrative decisions. But the area in which they have jurisdiction is generally restricted to a specified subject, or a few subjects. Moreover, because they generally follow the procedures akin to those adopted by courts, they too often present to the citizens, though to a lesser extent, the same disadvantages that the judicial courts do.

The Legislatures

The legislators, be they members of Parliament or of State Legislatures, are representatives of the people in whom sovereignty ultimately resides. In theory, the legislators possess

56. According to a recent news-items, more than 5,500 cases were pending before the Supreme Court at the beginning of February, 1968. According to the same news-item, most of the State High Courts showed even larger numbers of pending cases at the end of 1967. The Allahabad High Court topped the list with 63,602 pending and the Jammu and Kashmir High Court had the minimum with 1,146. As for the remaining Courts, Calcutta had 53,501 pending cases; Madras, 34,112; Kerala, Andhra Pradesh and Bombay over 20,000 each; Punjab and Haryana, about 18,000; Delhi and Gujarat 15,000 each; Madhya Pradesh, Mysore and Patna over 10,000 each; Rajasthan over 8,000; Orissa, 5,000 and Assam and Nagaland over 2,000. See *The Hindustan Times*, dated the 7th March, 1968 (4:6).

the power of a sovereign nation, including the power to bring the Administration to book for any act of omission or commission for which it may be deemed to have been guilty. This they can do through various ways open to them—the call-attention or adjournment motions, the question hour, an individual letter to a Government department and so on. They also exercise a great deal of vigilance over the administration through various Committees.

However, when it comes to the practice, the legislators' surveillance over the administration for preventing or reduction of citizens' grievances has its own limitations. By and large, the legislators are engaged in matters of policy, seldom in tackling the difficulties and complaints of individual citizens. Generally, they do not have access to the relevant documents. At best they can request information or comments through correspondence or ask for information through questions in Parliament or State Legislatures. In either case, it is left to the administrators or Ministers to decide how much to say and how to say it.⁵⁷

The Legislators and other outside agencies discussed above do not appear to have been able to plug all the loopholes which lead to citizens' grievances.

The Ombudsman

The only alternative to the limitations of the existing grievance agencies is to create an agency whose review of administrative actions is cheap, quick, free and impartial. Such an agency can be no other than what has commonly come to be called the Ombudsman.

57. See also E. Strauss: "It is....possible that a letter from a member of Parliament may induce the department to revise not only its course of action in a specific instance but also its procedure in all cases of a similar kind, but there is nothing in the relation between representative and administration to ensure the result. On the contrary, these relations, while courteous and respectful, are distinct and official, with the administration carefully weighing every word and giving away as little as possible, particularly when dealing with a member of the Opposition." E. Strauss, *The Ruling Servants, Bureaucracy in Russia, France and Britain*, George Allen & Unwin Ltd., London (1961), p. 289. See also Walter Gellhorn: "It (The Question Hour) produces few changes in favour of complainants and is little more than a flickering reminder of ministerial accountability." Walter Gellhorn, *When Americans Complain*, Harvard University Press (1966), p. 22.

The institution of Ombudsman in the context of this study is used in the sense of a body, outside the administrative organization to supervise on behalf of the citizens (or their representative bodies, namely, the Parliament or the State Legislatures) the actions and decisions of administration *vis-a-vis* the citizens. In this sense, it includes, the Ombudsman established in Sweden in 1809 (its predecessor, the institution of the Chancellor of Justice established in 1713) followed by the establishment of Ombudsman in Finland in 1919, in Denmark in 1955, and in Norway and New Zealand in 1962. It also includes the office of the Parliamentary Commissioner for Administration established in the U.K., through the Parliamentary Commissioner Act, 1967, as also the Ombudsmen adopted on or about the same time in Guyana, Mauritius, the Provinces of Alberta and New Brunswick in Canada and the State of Hawaii in the United States.

Following the recommendation by the Administrative Reforms Commission, the Government of India have decided to have the Lokpal and Lokayuktas to supervise the administrative acts of the Ministers and officials. Among other countries which have been discussing the adoption of this institution mention may be made of the Netherlands, Switzerland, Jamaica, Malaysia and Hong Kong.

The nomenclature, powers, functions and the jurisdiction of Ombudsman vary in the countries that have adopted this institution, but they have many characteristics in common. By and large, the Ombudsman serves as a 'watch-dog' of Parliament, though he is independent of it. He has for his main purpose the supervision of administration and the improvement of existing rule-making and administrative processes. He has a right of access to official records, to demand explanations and to suggest to Government or Parliament punitive or remedial action. In short, he has the right and power to bring the administrator and his act "to the test of reason".⁵⁸

The institution of Ombudsman is designed primarily to increase public confidence in the administrative machinery; not to provide a substitute for it. Ombudsman does not

58. C. J. Hanson, *Executive Discretion and Judicial Control*, London, Stevens & Sons Ltd., 1964, p. 18.

supplant administration; nor does he assume for himself the responsibility of good Government. But it will help the successful functioning of Ombudsman if efforts are made assiduously to tone up the Administration and thus to minimise the need for him to come into action.

SUMMARY

The studies done on citizen-administration relationship in India are very few in number compared to the size of the country and the complexity of the problems of its people. These studies, as was to be expected, have generally focussed their attention on the deficiencies in these relationships and on factors and sources of people's dissatisfaction with the administration, though occasionally they also give glimpses of the bright side of the picture. They provide evidence of certain administrative weaknesses, which continue to persist despite the very useful suggestions made, and instructions issued, from time to time for toning up the bureaucratic apparatus.

A great deal of attention appears to have been paid during recent years to specify measures for speedy and effective handling of citizens' grievances. These measures present a panorama of wide variety, but the question that needs to be examined and answered is: how far have they been helpful in reducing the area of citizens' grievances? This is the one question to which our study proposes to address itself. Further, if they have not made their impact felt, why is it so, and what more needs to be done in the matter? For, notwithstanding the proposed institutions of the Lokpal and Lokayuktas, it is the administration that has to bear, and carry out its primary responsibility of dealing promptly and adequately with the grievances of citizens.



PART TWO

THE PROBLEM: A CLOSE-UP



CHAPTER THREE

A Peep Into The Problem : Some Sample Cases

THE IMPLEMENTATION LAG

One of the problems universal to administrative organizations is the 'Implementation Lag', that is, the gap between what is intended to be done and what is actually done. The field of citizens' grievances is no exception to this shortcoming. Various State Governments have issued instructions aimed at speedy disposal of applications, complaints, representations, etc., from the public, but if the issue of instructions alone could achieve the purpose, one should think that each one of the citizens' complaints would be disposed of expeditiously and satisfactorily. The illustrative cases that appear in the pages below are a sharp reminder of the inadequacy of the arrangements already made and instructions already issued as well as of the gap in their implementation.

These cases are likely to leave the reader with the impression that everything is seriously wrong with the working of our administration. However, for a proper perspective it is necessary to bear in mind that these cases are but a very small fraction of the large number of the comparatively not-so-bad cases which we examined at the Secretariat, District, Tehsil and Block levels. No doubt the cases mentioned here represent the weak links in the administrative chain; but it would be wrong to assume that the strong links are not there. If anything, the number of strong links might be more than the number of weak links.

Further one may feel inclined to say that these are petty cases, but they are not petty to those who are affected by

them. Moreover, the pettiness of a case is no reason to justify its perfunctory handling. It is well to remember that the bulk of the cases that give rise to complaints and grievances of citizens consist, not of high-sounding aberrations that occasionally make the newspaper headlines, but of comparatively insignificant cases which seldom come under the public gaze. The work of the Lokpal and the Lokayuktas will be facilitated to the extent that the administration can relieve them from the need for looking into these so-called petty cases.

These illustrative cases are intended to give the reader a peep into the deficiencies that still continue to prevail in the bureaucratic handling of citizens' applications. In the larger context they represent, let it be repeated, no more than a few tiny dots on the wide administrative canvas. The aim in presenting these cases is to give the reader an idea of the shortcomings that still persist and to create an awareness of the urgent need for removing these shortcomings in the shortest possible time.

CASE NO. I

A representation dated 20th January, 1964 was submitted by a Fishermen Co-operative Society to the State Minister for Industries and Commerce. This was received by the Board of Revenue through the Revenue Department for necessary action and report. The Society, in their representation, drew attention to the government orders to the effect that fisheries tanks should be let out to the Fishermen's Society, and complained that, in contravention of these orders, the village tank was leased out to some other influential persons by the Tehsildar of that Taluka. The Society had requested that the fisheries' tank be allotted to them. They further requested that the society be given the right of felling trees.

On 6th February, 1964 a letter was sent to the District Collector asking for his report. On 12th March, 1964 a reminder was issued. This was followed up with two demi-official reminders on 14th April, 1964 and 12th May, 1964. On 25th May, 1964 the Collector asked for a copy of the original reference which he said was not traceable in his office. A copy of the same was sent to him on 26th May, 1964. On

13th June, 1964 a reminder was issued to the Collector asking for his report.

The Collector sent an **interim** reply on 30th July, 1964 saying that final reply would be sent on receipt of reports from the concerned officers. The Department of Revenue reminded the Board of Revenue on 4th August, 1964 for expediting the report. In turn, the Board of Revenue reminded the Collector again on 8th September, 1964. On 27th October, 1964 an **interim** reply was received from the Collector. The Collector was again reminded on 30th November, 1964 and demi-officially on 5th January, 1965. An **interim** reply was received from the Collector on 23rd January, 1965 stating that he was still awaiting reports from the concerned officers. The Collector was reminded again on 4th March, 1965. The Revenue Department also reminded the Board of Revenue on 24th March, 1965 with a copy to the Collector. The Collector again sent an interim reply on 5th April, 1965. The Collector was again reminded on 7th May, 1965 and 26th June, 1965. On 15th July, 1965, the Collector again sent in an **interim** reply. The Collector was reminded again on 20th August, 1965 and 10th September, 1965. The Department of Revenue also reminded the Board of Revenue on 13th September, 1965. Another **interim** reply was received from the Collector on 22nd September, 1965. On 8th November, 1965, the Collector was again reminded by the Board of Revenue. The Revenue Department also reminded the Collector on 9th December, 1965. The Board of Revenue again reminded the Collector on 13th December, 1965 and 22nd January, 1966. A demi-official reminder from the Revenue Department was received by the Board of Revenue on 5th February, 1966. On 16th February, 1966 the Board of Revenue sent an **interim** reply to the Revenue Department, with an endorsement to the Collector. A reminder dated 2nd March, 1966 was received by the Board of Revenue from the Revenue Department. An **interim** reply was sent by the Board of Revenue to the Revenue Department on 16th March, 1966 and the Collector was also reminded. On 22nd April, 1966 a reference was received from the Revenue Department stating that the case be disposed of in the light of the Government instructions issued in July, 1965. On 25th April, 1966, an **interim** reply was received from the Collector. The

Collector was further reminded on 19th May, 1966 and demiofficially on 25th June, 1966 and 26th July, 1966.

Two years and a half after the Collector was first asked for a report on 6th February, 1964, the Collector sent his report on 11th August, 1966. He stated in his report that in view of the Government orders issued in December, 1962 the Fisheries tank could not be leased out to the Society. He recommended rejection of the Society's request so that the rights could be leased to the Harijans and Backward Classes. He also contended that Government orders of 2nd October, 1962 were to lease the rights to the Societies of Harijans and Backward classes and not to the Co-operatives of Fishermen.

On 24th August, 1966 a further letter was sent by the Board of Revenue to the Collector that his report was not complete and that he should furnish information about the location of the land where the trees stand and in whom the rights vest. The report was required to be furnished within a fortnight. Reminders to Collector were issued on 30th September, 1966 and 28th October, 1966. On 7th November, 1966, a letter was received from the Collector asking for a copy of the reference dated 24th August, 1966. A copy was supplied to the Collector on 21st November, 1966. The Collector was further reminded on 3rd January 1967, 1st March, 1967 and 30th March, 1967. At the time of examination of this case on 30th March, 1967, a report from the Collector was still awaited.

Chronology of Events

- 20-1-64 The reference was received by a Minister.
- 5-2-64 Put up by the office with a draft letter to the Collector asking for his report.
- 6-2-64 Letter to Collector issued.
- 12-3-64 Reminder to Collector issued.
- 14-4-64
- 12-5-64 D.O. reminders to Collector sent.
- 25-5-64 Collector asked for a copy of the original reference which was reported untraceable in his office.

- 26-5-64 Copy of the original reference furnished to the Collector.
- 13-6-64 A reminder to Collector issued asking for his report.
- 30-7-64 An **interim** reply dated 24th July, 1964 received from the Collector saying that a final reply would be sent on receipt of replies from the concerned officers.
- 4-8-64 A reminder dated 1st August, 1964 received from the Revenue Department.
- 8-9-64 Collector reminded to expedite report and an **interim** reply sent to Revenue Department.
- 7-10-64 Collector again reminded.
- 27-10-64 An **interim** reply dated 20th October, 1964 received from the Collector.
- 30-11-64 Reminder to Collector issued.
- 5-1-65 D.O. reminder to Collector was sent.
- 23-1-65 An **interim** reply received from the Collector.
He was still awaiting the reports from the concerned officers.
- 4-3-65 Collector again reminded.
- 16-3-65 Reminder dated 12th March, 1965 received from the Revenue Department.
- 24-3-65 An **interim** reply sent to the Revenue Department with a copy to the Collector.
- 5-4-65 An **interim** reply dated 29th March, 1965 received from the Collector.
- 7-5-65 } Collector again reminded.
- 26-6-65 }
- 15-7-65 **Interim** reply dated 6th July, 1965 received from the Collector.
- 20-8-65 } Collector again reminded.
- 10-9-65 }
- 13-9-65 Reminder dated 8th September, 1965 received from the Revenue Department.

- 22-9-65 An **interim** reply dated 17th September, 1965 received from the Collector.
- 8-11-65 Collector reminded.
- 9-12-65 A copy of reminder to Collector issued by the Revenue Department received.
- 13-12-65 } Collector again reminded.
- 22-1-66 }
- 5-2-66 A D.O. reminder from the Revenue Department received.
- 16-2-66 An **interim** reply sent to the Revenue Department with an endorsement to the Collector.
- 4-3-66 Reminder dated 2nd March, 1966 received from the Revenue Department.
- 16-3-66 An **interim** reply sent to the Revenue Department and Collector also reminded.
- 22-4-66 Reference received from the Revenue Department for the disposal of the case in the light of the Government Instructions issued in July, 1965.
- 25-4-66 An **interim** reply received from the Collector.
- 19-5-66 Collector reminded.
- 25-6-66 } Collector reminded demi-officially.
- 26-7-66 }
- 11-8-66 Report from the Collector received.
- 24-8-66 Collector informed that his report was incomplete and should provide information on some of the other points.
- 30-9-66 } Reminders to Collector issued.
- 28-10-66 }
- 7-11-66 A letter dated 2nd November, 1966 received from the Collector asking for a copy of reference dated 24th August, 1966.
- 21-11-66 Copy supplied to the Collector with the request for immediate reply.

- 25-11-66 An *interim* reply received from the Collector.
- 3-1-67 Collector reminded.
- 23-1-67 *Interim* reply dated 10th January, 1967 received from the Collector.
- 1-3-67 Collector reminded.
- 30-3-67 Another reminder to Collector was under issue.

Comments

In this case the administration moved very slowly and in a routine way. No importance was attached by lower officials to the communications received from higher authorities. Even the demi-official reminders did not have the desired effect. The report of the Collector was received after about 20 reminders and it took 2½ years to get from him the report, which was even then incomplete. The higher authorities, too, took no other action except to remind the Collector at regular intervals. Even though the Board of Revenue had asked the Collector on 24th August, 1966 to send his report within a fortnight, the report had not been received till the 30th March, 1967. The time-limit so set was not taken seriously by anyone.

CASE NO. II

This case is in respect of a Clerk of the Civil Surgeon's office. The Clerk was suspended from service on 1st January, 1964 on charges of misappropriation of government funds amounting to Rs. 1,016.66. He was sanctioned, while under suspension, a subsistence allowance up to 30th June, 1965.

On 27th November, 1965, the Clerk represented to the Director of Health Services, with a copy to the Civil Surgeon and the Secretary, Health Department, that though he continued to be under suspension and was entitled to receive subsistence allowance, the sanction for it had not been renewed after its expiry on 30th June, 1965. He complained of hardship and requested further sanction of subsistence allowance from 1st July, 1965 onwards.

The Director of Health Services, on receiving this request, initiated the case and wrote to the Secretary, Health

Department, on 29th November, 1965 for the issue of necessary sanction. He followed this up with a reminder on 7th December, 1965. The Secretary, Health Department, asked the Director of Health Services on 13th December, 1965 to furnish information on the following:

1. the date of service of charge sheet;
2. reasons for suspension;
3. date of explanation by the applicant;
4. present stage of the case; and
5. steps taken for expediting the disposal of the proceedings.

On 15th December, 1965, the Clerk sent a reminder to the Director of Health Services, with a copy to the Secretary, Health Department. He sent another reminder on 30th December, 1965 to the Secretary, Health Department, with a copy to the Director of Health Services. The Secretary, Health Department sent a reminder to the Director of Health Services on 8th January, 1966, and another reminder on 9th February, 1966. Again on 16th February, 1966, the Clerk sent a telegraphic reminder to the Secretary, Health Department, who, in turn, sent a demi-official reminder to the Director of Health Services, on 24th February, 1966. Some information was received from the Director of Health Services on 10th March, 1966 and complete information was sent by him on 18th March, 1966. The Secretary, Health Department, then referred the case on 19th March, 1966 to the Finance Department, for sanction. As the case was already very badly delayed, the Finance Department's clearance was obtained personally and the government order sanctioning the subsistence allowance was at long last issued on 21st March, 1966.

Chronology of Events

- 27-11-65 The applicant wrote to the Director of Health Services, with a copy to Civil Surgeon and Secretary, Health Department complaining of hardship and requesting renewal of sanction for subsistence allowance from 1st July, 1966 onwards.

- 29-11-65 Director, Health Service, wrote to Secretary (Health) to the same effect.
- 7-12-65 Director (Health Services) reminded Secretary (Health).
- 13-12-65 Secretary (Health) asked Director (Health Services) for certain information.
- 15-12-65 The applicant sent another reminder to Director (Health Services) with a copy to Secretary (Health).
- 30-12-65 The applicant sent another reminder to Secretary (Health) with a copy to Director (Health Services).
- 8-1-66 Secretary (Health) sent 1st reminder to Director (Health Services).
- 9-2-66 Secretary (Health) sent second reminder to Director (Health Services).
- 16-2-66 The applicant sent telegraphic reminder to Secretary (Health).
- 24-2-66 Secretary (Health) sent D.O. third reminder to Director (Health Services).
- 10-3-66 Director (Health Services) submitted the required information in part.
- 18-3-66 Director (Health Services) submitted complete information.
- 19-3-66 Case was referred to Finance Department for sanction and got the case sanctioned personally.
- 21-3-66 Government orders sanctioning the subsistence allowance were issued.

Comments

This case offers a typical instance of how cases get delayed due to official apathy. The Civil Surgeon or the Director of Health Services could have initiated the case without waiting for a representation from the official concerned in early May, 1965. Even after the Clerk had represented it took nearly four months to sanction the subsistence allowance.

Three months appears to be too long a period for the Director of Health Services to furnish the information asked for by the Secretary, Health Department. In fact, had the Director of Health Services taken care to study the rules on the subject, he could have furnished complete information in the very first instance when he referred the case to the Secretariat on 29th November, 1965. The hardship of the clerk would have been avoided if the administration had moved more imaginatively.

CASE NO. III

A Co-operative Society applied to a District Industries Officer for the release of raw materials (non-ferrous metals) from the quota for October to March 1964. The application was received by the District Industries Officer on 12th October, 1964. A copy of the application was endorsed to the State Director of Industries.

The case was examined by the District Industries Officer and on 5th November, 1964 it was forwarded to the Director of Industries for consideration. On 24th December, 1964, the chairman of the Panchayat Samiti also wrote to the District Industries Officer to see that the Society get their quota of raw materials as they were facing difficulty in obtaining sufficient quantity of copper, zinc, tin and brass.

On 29th December, 1964, the Director of Industries asked the District Industries officer for a detailed report on the Society's representation dated 11th December, 1964. The District Industries Officer informed the Director of Industries on 11th January, 1965 that the said representation had not been received by him and requested for a copy thereof. He also drew the attention of the Director of Industries to his letter dated 5th November, 1964 under which the case of the Society had been recommended by him. On 23rd January, 1965, the Director of Industries forwarded the representation of the Society, in original, to the District Industries Officer and asked for a reply immediately on each of the points and also whether the Society had properly utilized the raw materials released to them previously. The District Industries Officer offered his comments on some of the points and forwarded the same to the Director of Industries on 23rd

February, 1965. On the remaining points a further report was promised. On 4th March, 1965, the Director of Industries asked the District Industries Officer for a reply to his letter dated 23rd January, 1965. This was filed as a reply had already been sent on 23rd February, 1965. Again on 17th May, 1965, Director of Industries reminded the District Industries Officer for his further report as promised in his letter of 23rd February, 1965.

On 9th June, 1965, one M.L.A. wrote to the Director of Industries, with a copy to the District Industries Officer, for the release of Society's quota immediately. In reply to Director of Industries letter dated 17th May, 1965, the District Industries Officer informed him that though there were many irregularities committed by the Society in the past, yet quota of the Society may be released with instructions that they should avoid such irregularities in future. On 23rd July, 1965, the Director of Industries released the raw materials to the Society and endorsed copy of the release order to the General Manager, Small Industries Corporation Ltd., Additional Inspector General of Police (Vigilance) and the District Industries Officer. The Society was also instructed to distribute the raw materials to their members equitably so that no irregularities should occur in future. On 2nd September, 1965, the Director of Industries released an additional instalment to the Society.

Chronology of Events

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| 12-10-64 | Application for release of non-ferrous metals received. |
| 5-11-64 | District Industries Officer (D.I.O.) supporter and forwarded the application to the Director of Industries. |
| 24-12-64 | Letter received from the Chairman, Panchayat Samiti, strongly urging the D.I.O. to release the raw materials to the party. |
| 29-12-64 | Director of Industries (D.I.) asked D.I.O. to send his report on the firm's representation dated 11th December, 1964. |

- 11-1-65 D.I.O. asked the D.I. to send a copy of the representation dated 11th December, 1964 as the same had not been received by him. D.I.O. also drew the attention of the D.I. to his letter dated 5th November, 1964 in which he had recommended the case.
- 23-1-65 D.I. forwarded the representation in original and asked for a reply immediately on each of the points. He also enquired whether the Society had properly utilized the raw materials released to them earlier.
- 23-2-65 D.I.O. replied to some of the points and recommended release of raw materials. On certain other points he promised a further report.
- 4-3-65 D.I. asked D.I.O. for reply to his letter dated 23rd January, 1965, D.I. simply filed this letter as a reply had already been sent on 23rd February, 1965.
- 17-5-65 D.I. asked for further report as promised by D.I.O. in his letter dated 23rd February, 1965.
- 9-6-65 One M.L.A. wrote a letter to the D.I., with a copy to the D.I.O., for early release of the Society's quota.
- 21-6-65 D.I.O. wrote to D.I. saying that there were many irregularities committed by the Society. Nevertheless, he recommended that the society's quota might be released with instructions that they should avoid such irregularities in future.
- 23-7-65 D.I. released the raw materials to the Society asking it to distribute the raw materials to its members equitably. The release order was endorsed to General Manager, State Small Industries Corporation Limited, Additional I.G. of Police (Vigilance) and D.I.O.
- 2-9-65 D.I. further released an additional instalment to the Society.

Comments

It took the administration nearly ten months to finalise this case. The prolonged correspondence, and consequent delay, between the Director of Industries and the District Industries Officer could possibly have been avoided. The letter from the Panchayat Samitis and the M.L.A. in support of individual applicants—as distinct from letters on policy matters—appear to suggest possibility of unnecessary interference in administration.

CASE NO. IV

The wife of a Government employee wrote to the Chief Minister on 27th October, 1965 complaining that the entire family was undergoing a deep mental and physical torture, because her husband had not been paid his salary for the past six months. Earlier the employee himself had made several representations to the authorities concerned.

The Chief Minister minuted on the application on 29th October, 1965 that the Collector should find out the details and submit his report. The Chief Minister's Office accordingly addressed the Collector concerned, who submitted a report on 27th December, 1965, stating that the employee was working as sub-overseer, from 28th July, 1965, under the Assistant Engineer, Irrigation sub-Division and during the period he was in that office he was fully paid. The Collector suggested that a further report might be called for from the concerned department.

The office of the Chief Minister then addressed the Chief Engineer (Irrigation) for a report. The Chief Engineer submitted his report on 6th January, 1966 to the effect that: (a) the services of the Government servant were placed at the disposal of the Planning and Co-ordination Department in 1961; and on repatriation from the office he was posted to the office of the Block Development Officer; (b) he did not join that office on one pretext or other; (c) on 3rd December, 1964 he was reverted to the Irrigation Wing and posted to the Irrigation Project Circle where he reported for duty on 28th July, 1965; and (d) non-payment of his salary was due to the fact that the L.P.C. received from his former office was defective. That office had been requested to expedite the

correct L.P.C. In the meantime, his new office had been directed to pay him the salary on the initial scale of sub-over-seer.

The Chief Minister recorded the following minute on this case on 26th January, 1966, "Deputy Minister (I. & P.) may see this. This is a fit case on which a firm policy to punish persons for delay to be laid. Please consider."

The Deputy Minister forwarded the case to the Secretary of the Irrigation Department on 7th February, 1966 for taking immediate action. Thereupon, the Secretary, Irrigation Department took up the matter with the Chief Engineer (Irrigation) on 12th February, 1966 and a D.O. reminder was also sent on 18th March, 1966. An *interim* reply was received from the Chief Engineer on 14th March, 1966. A reply was received from him on 25th March, 1966 intimating that the pay of the official concerned had been drawn at the initial stage and further action was in progress to obtain his L.P.C. from the Planning and Co-ordination Department (who were reminded on 11th April, 1966). The Planning and Co-ordination Department replied on 29th July, 1966 that the L.P.C. and Service Book had since been sent by them to the Executive Engineer, Hydro-power Investigation Division.

Chronology of Events

- 27-10-65 Petition to the Chief Minister received.
- 29-10-65 Chief Minister ordered that Collector should find out the details and report.
- 27-12-65 Collector submitted his report.
- 30-12-65 Private Secretary to Chief Minister referred the case to the Chief Engineer (Irrigation) for necessary action and report.
- 6-1-66 Chief Engineer submitted his report giving detailed history of the case and action taken in the matter.
- 26-1-66 Chief Minister recorded: "Deputy Minister (I. & P.) may see this. This is a fit case on which a firm policy to punish persons for delay to be laid. Please consider".

- 7-2-66 Deputy Minister forwarded the case to Secretary, Irrigation Department, for taking immediate action.
- 12-2-66 The matter was taken up demi-officially with the Chief Engineer (Irrigation).
- 18-3-66 D.O. reminder to Chief Engineer issued.
- 25-3-66 A reply from the C.E. (I) received.
- 11-4-66 Reference made to Planning and Co-ordination Department for expediting the revised L.P.C. and Service Book.
- 29-7-66 Reply received from the Planning and Co-ordination Department that the L.P.C. and Service Book had been sent.

Comments

The case was badly delayed at all levels of administration. Lack of interdepartmental co-ordination contributed to the delay. It is only on the intervention of the Chief Minister that the pay of the official was drawn at the minimum of his pay scale. The minutes of the Chief Minister dated 25th January, 1966 were completely ignored and no action appears to have been taken against the defaulting officials.

The government servant was also at fault for not joining his new place of duty on one pretext or other, for which no departmental action seems to have been taken.

The petitioner, namely, the wife of the government servant was at no time informed of the action that was being taken on her petition. Her petition was not even acknowledged.

CASE NO. V

A firm submitted an application on 13th January, 1966 to the Secretary, Industries Department for financial assistance under the "Scheme for 90 per cent guarantee of Advances granted to Industrial Co-operatives".

The case was examined by the Cottage Industries Section of the Industries Department on 20th January, 1966. This section referred the case to Panchayat Industries Sec-

tion on 21st January, 1966 for their comments. That Section offered their comments on 5th February, 1966.

The case was further processed in the Cottage Industries Section which decided on 27th May, 1966 that a report be obtained from the Director of Industries. A letter was accordingly issued to the Director of Industries on 31st May, 1966. This was followed up with a reminder to the Director of Industries on 20th July, 1966. An *interim* reply was received from the Director of Industries on 25th August, 1966 saying that he was awaiting a report of the Joint Director (Industries), Khadi and Village Industries. The Director of Industries was again reminded on 8th October, 1966. To this reminder, the Director of Industries replied in his letters dated 18th October, 1966, 22nd November, 1966 and 24th December, 1966 that action to send a report would be taken by him on receipt of a reply from the Central Co-operative Bank and the Joint Director of Industries.

The final report from the Director of Industries was received on 7th February, 1967. In this letter the Director of Industries had informed the Secretariat that in his letter dated 6th January, 1967, he had already informed the firm that they should resubmit their application in the prescribed form.

Chronology of Events

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| 13-1-66 | Application for loan received in Cottage Industries Section. |
| 20-1-66 | Case examined. |
| 21-1-66 | Referred to Panchayat Industries Section for comments. |
| 5-2-66 | Panchayat Industries Section offered their comments. |
| 27-5-66 | Case again processed in Cottage Industries Section and a decision taken to obtain a report from the Director of Industries. |
| 31-5-66 | Letter to Director of Industries issued. |
| 20-7-66 | Reminder sent to Director of Industries. |
| 25-8-66 | Reply received from Director of Industries that he was awaiting report of Joint Director (Industries). |

8-10-66	Director of Industries reminded.
18-10-66	} Director of Industries sent an <i>interim</i> reply that he would send his comments on receipt of reports from the Joint Director of Industries and the Central Co-operative Bank.
22-11-66	
24-12-66	
7-2-67	Final reply received from the Director of Industries suggesting resubmission of the application in the prescribed form.

Comments

Apart from the fact that the application of the firm was not acknowledged either by the Department of Industries or by the Director of Industries, it took the Director of Industries seven months to discover that the application needed to be submitted in the prescribed form. The infructuous inter-office references that went on for full one year could have been avoided, had the officers concerned followed the rules and procedures properly.

CASE NO. VI

A Sanitary Inspector sent a reminder on 23rd December, 1965 to the Director of Health Services drawing his attention to his several earlier representations. His earliest representation was dated 15th October, 1960. The Inspector had requested for the payment of his long outstanding dues, as under:

	Rs.	P.
1. Working period pay from 1-11-1957 to 4-11-1957 and leave salary from 5-11-1957 to 8-11-1957	24	00
2. Fixed T.A. for August, 1959 and August, September and October, 1960.	63	00
3. Flood duty T.A. for August, 1960.	40	94
Total:	127	94

On receipt of this reminder, the Director of Health Services, wrote strongly worded letters on 11th March, 1966 and 24th June, 1966 to the District Health Officer for immediately

paying up the dues. On 2nd July, 1966, the District Health Officer replied that all the arrear bills of the official had been prepared and forwarded to the Joint Director of Health Services for his sanction. In his reply, the District Health Officer did not indicate the number and date of his letter with which he had submitted the bills to the Joint Director, nor did he mention a word of regret for the long delay. He also did not mention anything about action taken or proposed to be taken against those responsible for delay, even though the Director of Health Services and specifically asked the District Health Officer, in his letter dated 11th March, 1966, to fix responsibility for this inordinate delay. On 29th August, 1966, Director of Health Services asked the Health Officer to intimate the number and date of his letter in which arrear bills were submitted. He also told him to prepare fresh bills as required under his circular letter dated 17th June, 1966, because the claim, being more than six years old, had become time-barred.

The Sanitary Inspector again submitted a lengthy petition on 29th August, 1966, giving all details and particulars of his arrears. On 21st September, 1966, the Director of Health Services wrote to the District Health Officer asking for his comments on each of the points raised by the Inspector in his representation received on 29th August, 1966. The file showed that the matter was not pursued further; nor was any further reminder received from the Inspector.

Chronology of Events

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| 15-10-60 | The first representation was made. |
| 23-12-65 | Another representation was made in continuation of the earlier ones. |
| 11-3-66 | A strongly worded letter was sent from Director (Health Services) to District Health Officer, for doing the needful. |
| 24-6-66 | A strongly worded demi-official letter was sent to the District Health Officer by the Director of Health Services. |
| 2-7-66 | The District Health Officer replied saying that all the official's arrear bills were prepared and |

submitted to Joint Director of Health for sanction.

- 29-8-66 Director (Health Services) wrote to District Health Officer for stating the numbers and dates of his letters under which the arrear bills were submitted to Joint Director of Health.
- 29-8-66 Another lengthy representation was received from the Sanitary Inspector.
- 21-9-66 Director (Health Services) wrote to District Health Officer asking for his comments on various points raised in the representation received on 29th August, 1966. Thereafter the file showed that the matter had not been pursued further.

Comments

At no stage was the applicant informed of the position of his case. None of his several letters was acknowledged. The instructions of the Director of Health Services to the District Health Officer for taking action against those responsible for delay were not carried out. There is nothing in the records to show that the Director of Health Services in fact pursued the matter further with a view to finding out whether the applicant had received his arrears.

CASE NO. VII

A cutting of a newspaper report appearing in a Daily on 16th June, 1964 was forwarded by the Additional District Magistrate to the Executive Engineer (Canals) for report. This was received by the Executive Engineer on 14th January, 1965. In this, the villagers had complained that as a result of overflow of water in the Canal, they could not cultivate anything on their lands. The Canal Engineer who was requested to construct a pucca wall did not accept the proposal.

On 23rd January, 1965, the Executive Engineer referred the matter to the Block Development Officer concerned asking for his report. He also sent a copy of this communication

to the Sub-Divisional Officer. The Additional District Magistrate reminded the Executive Engineer on 8th February, 1965. The Executive Engineer issued a reminder to the Block Development Officer on 10th February, 1965. On 12th February, 1965, the Executive Engineer sent an interim reply to the Additional District Magistrate with a copy to the Block Development Officer for expediting his report. Another reminder was sent to the Block Development Officer, on 2nd March, 1965. The Additional District Magistrate again asked the Executive Engineer on 28th June, 1965 to expedite the report. The Executive Engineer sent further reminders to the Block Development Officer on 9th July, 1965 and 26th July, 1965.

On 26th August, 1965, the Block Development Officer submitted his report to the Additional District Magistrate with a copy to the Executive Engineer. The Additional District Magistrate again wrote to the Executive Engineer on 7th September, 1965 asking him to give his considered opinion on the basis of the report furnished by the Block Development Officer. The Executive Engineer sent his reply to the Additional District Magistrate on 16th September, 1965 stating that there was no specific grievance and the proposal for the construction of a concrete bund was not feasible.

Chronology of Events

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|---------|--|
| 14-1-65 | Reference was received by the Executive Engineer. |
| 23-1-65 | The Executive Engineer referred the matter for comments to the Block Development Officer (B.D.O.), with a copy to the S.D.O. |
| 8-2-65 | Additional District Magistrate (A.D.M.) sent a reminder to the Executive Engineer. |
| 10-2-65 | The Executive Engineer sent a reminder to the B.D.O. |
| 12-2-65 | Executive Engineer sent an interim reply to the A.D.M. |
| 2-3-65 | Executive Engineer sent another reminder to B.D.O. |

- 28-6-65 A.D.M. sent a reminder to the Executive Engineer.
- 9-7-65 } Executive Engineer sent reminders to the
26-7-65 } B.D.O.
- 26-8-65 B.D.O. sent a reply to the A.D.M. with a copy to the Executive Engineer.
- 7-9-65 The A.D.M. asked the Executive Engineer to give his considered opinion on the basis of B.D.O.'s report.
- 16-9-65 The Executive Engineer sent a reply to the A.D.M. that there was no specific grievance and the proposal of concrete bunding was not feasible.

Comments

It took the Block Development Officer almost seven months to submit his report, and the higher authorities did not take any notice of this enormous delay. Even the Additional District Magistrate overlooked the inordinate delay of the defaulting officer. The case needed more vigorous follow-up.

CASE NO. VIII

Some members of a Credit Society submitted a petition to the Registrar of Co-operative Societies on 14th December, 1965 alleging malpractices on the part of the President of the Society.

On 18th December, 1965, the case was examined in the office of the Registrar and the officer approved the line of action on the same day. The papers were referred to the Regional Joint Registrar for investigation and report. The Regional Joint Registrar sent an **interim** reply on 7th January, 1966. Reminders were sent to the Registrar who sent **interim** replies on 13th June, 1966, 8th July, 1966 and 2nd August, 1966 stating that he was awaiting the report from his Deputy Registrar. The Regional Joint Registrar was again reminded on 16th August, 1966. He sent an **interim** reply on 22nd September 1966 explaining the difficulties in sending the report. The President of the Society was employing evading

tactics and was not showing the Accounts Books for inspection. On 14th October, 1966, the Regional Joint Registrar was again reminded to which he submitted an **interim** reply on 27th October, 1966. Further reminders were sent to him on 2nd December, 1966, 12th January, 1967 and 4th March, 1967. The final reply was still due when we examined this case on 30th March, 1967.

Chronology of Events

- 14-12-65 The case was received and diarised.
 - 18-12-65 The case was put up to the concerned officer for his approval of the suggested line of action. The officer approved it the same day.
 - 28-12-65 The papers were referred to the Regional Joint Registrar for investigation and report.
 - 7-1-66 Interim reply received from the Regional Joint Registrar.
 - 28-4-66 } Reminders were issued to the Regional Joint Registrar.
 - 28-5-66 }
 - 13-6-66 } **Interim** replies were received from the Regional Joint Registrar.
 - 8-7-66 }
 - 2-8-66 }
 - 16-8-66 Reminder was issued to Regional Joint Registrar for expediting the report.
 - 1-9-66 **Interim** reply was received from the Regional Joint Registrar.
 - 22-9-66 } The Regional Joint Registrar sent **interim** replies explaining the difficulties in sending the report.
 - 27-10-66 }
 - 2-12-66 Reminder was again sent to the Regional Joint Registrar.
 - 16-12-66 **Interim** reply was received from the R.J.R.
 - 12-1-67 R.J.R. was again reminded.
 - 13-2-67 **Interim** reply was received from the R.J.R.
 - 4-3-67 R.J.R. again reminded.
- The case was still pending for want of report.

Comments

In this case too many levels were involved. The case was referred by the Registrar to the Regional Joint Registrar, who in turn referred it to the Deputy Registrar and lastly it went to the Extension Officer for investigation. In this process the matter got delayed. Even after a lapse of over one year the matters did not make any headway whatsoever. The administration's energy was spent for over a year in routine reminders and *interim* replies which did not help in expediting the case. The officers at the higher levels did not show the sense of urgency which this case demanded.

CASE NO. IX

A certain person made a complaint to the Deputy Registrar of Co-operative Societies against the President of a Multi-purpose Co-operative Society alleging irregular and mal-distribution of chemical fertilizers.

The complaint was received in the Deputy Registrar's office on 23rd February, 1966. It was marked to the concerned Section on 26th February, 1966. The case was put up by office on 3rd March, 1966. A letter was sent from the Deputy Registrar's office to the Extension Officer on 5th March, 1966 for enquiry and report. After about 5 months, a reminder was sent on 30th July, 1966 to the Extension Officer. Again on 19th November, 1966, after about 4 months, another reminder was sent to him. The Extension Officer sent an *interim* reply on 10th January, 1967. He was again reminded on 17th February, 1967. At the time of examination of this case on 16th April, 1967, no report had been received from the Extension Officer and no further reminder was sent to him after 17th February, 1967.

Chronology of Events

- | | |
|---------|--|
| 23-2-66 | Application received in the office. |
| 26-2-66 | Marked to concerned Section. |
| 3-3-66 | Case submitted to the Officer Incharge. |
| 5-3-66 | Extension Officer asked to enquire and report. |
| 30-7-66 | Extension Officer reminded. |

19-11-66 Reminder again sent to E.O.
10-1-67 Interim report received from the E.O.
17-2-67 Another reminder sent to E.O.

Comments

In this case the office of the Deputy Registrar moved very slow and did not issue reminders at regular intervals. The Extension Officer also did not care to submit his report even after the lapse of over a year. The Deputy Registrar did not take any notice of the enormous delay on the part of the Extension Officer.

Perhaps the extenuating circumstance in this case was the plea of the dealing Assistant that he was overloaded with work and was required to dispose of a minimum of about 40 cases a day. He added that it was humanly impossible for him to acknowledge applications and issue reminders to the current cases. The Study Team was also informed that the workload on the Extension Officer was also very heavy as he was required to attend to this work in addition to the Community Development work. Of late, taccavi loan work had also been entrusted to him. Senior Officers would be serving the cause of good administration if they could examine the complaints of excessive and unreasonable work-load.

CASE NO. X

This case relates to the representation from certain villagers praying for irrigation facilities. They suggested that the flow of water from the hills be controlled for the purpose. Suggestions to this effect had been made by them earlier also to the Head of the Department concerned. The representation, which was dated 19th May, 1966, was addressed to the Chief Minister and its copy was endorsed to the Chief Engineer.

The Department of Irrigation and Power passed on the representation to the Chief Engineer with the request for an immediate report in the matter. They followed it with a reminder dated 31st May, 1966. On 7th June, 1966, the Chief Engineer sent a letter to the Superintending Engineer asking

him for a report. He sent a further reminder to the Superintending Engineer on 10th August, 1966.

The file did not show any further action when the case was examined by the Study Team on 7th March, 1967. Nor does the case appear to have been followed up by the Department of Irrigation and Power.

Chronology of Events

- 19-5-66 The Chief Engineer received the representation from the Department of I. & P. with the request for an immediate report in the matter for the information of the Minister.
- 7-6-66 The Chief Engineer wrote to the Superintending Engineer asking him for a report.
- 10-8-66 A reminder was issued to Superintending Engineer for expediting reply.
- 7-3-67 No further action appears to have been taken after 10th August, 1966.

Comments

This case affords an example of insensitivity of government officials towards representations from the public. Even though the address of the villagers was indicated in the representation, it was not acknowledged. No follow up was done even when the report was called for immediately for the information of the Minister. The action taken by the administration was half-hearted, and even of this the persons concerned were not informed at any stage of the case. This kind of 'silence' on the part of the administration is likely to tarnish the administration's image in the minds of the people.

CASE NO. XI

A certain Goldsmith affected by the Gold Control Order applied to the District Industries Officer on 31st March, 1966 for an aid of Rs. 500.00 under the Gold Control Act.

On 1st April, 1966, the dealing Assistant examined the application and pointed out in his note that the purpose for which the aid was requested for was not clear and that the

applicant may be asked to come over personally to indicate the purpose. The file did not show any further noting or correspondence.

Chronology of Events

- 31-3-66 Application for aid received by the District Industries Officer.
- 1-4-66 Put up by the dealing assistant stating that the purpose for which aid required was not clear and the applicant might be asked to come personally to rectify the error.
- 12-3-67 No further notings or correspondence was done till this date.

Comments

On a closer look at the papers, it appeared that the applicant did come personally, as the purpose for which the aid was asked for had been entered in the application over his signature. The application also appeared to have been approved by the Gold Control Officer on 16th July, 1966 as it bore a stamp over his signature to that effect. No further action appeared to have been taken, nor was there any indication in the file to show that the applicant had got the money at the time the case was examined by the Study Team on 12th March, 1967.

In this case the records were maintained in a slipshod manner. There was general slackness on the part of the office and ineffective supervision by the officers concerned. The dates on which the applicant had come to make the necessary corrections and on which the application was forwarded to the Gold Control Officer were not recorded. The reasons for not taking action after receipt of the approval of the Gold Control Officer were not clear from the file. The office also could not explain why the matter was not pursued further. The case appears to have suffered from slackness on the part of office and inadequate supervision on the part of officers.

CASE NO. XII

This is concerning a complaint by a Surgical firm whose bill amounting to Rs. 528.00, pertaining to the year 1962-63,

was pending for payment with a Medical College. The firm had approached the State Health Department on 25th January, 1966 for arranging to get the payment early. Copies of the complaint were also endorsed to other concerned authorities. The Health Department, on getting the complaint, wrote to the Director of Health Services on 12th February, 1966 for clearing up the legitimate payment. The Director of Health Services intimated to the Department of Health on 25th February, 1966 that the Principal of the Medical College had been instructed to clear up the bill immediately. On 15th July, 1966, the Director of Health Services informed the Department that the bill had been cleared by the Principal and the amount had been remitted to the firm.

Chronology of Events

- 25-1-66 Complaint was received in the State Health Department.
- 12-2-66 Secretary, Health Department asked the Director of Health Services (D.H.S.) to have the legitimate payment cleared.
- 25-2-66 D.H.S. replied that the Principal of the Medical College had been asked to arrange early payment.
- 15-7-66 D.H.S. informed the Secretariat that the amount had been remitted to the firm by the Principal.

Comments

It appears that the claim of the firm was straight and clear, yet the Principal took nearly 3½ years to make the payment. Though the Secretariat Department had been pursuing this case with the Director of Health Services, it did not inform the firm at any stage of the action which was being taken on their complaint. The firm might have gained the impression that Administration had paid no heed to their letter and their legitimate dues were being withheld by them, an impression which is otherwise not justified. In order to build a good image of the administration it is not enough that the administration should act: it is equally important that it should appear to be acting.

CASE NO. XIII

A Junior Head Assistant in the Department of Industries applied for grant of a temporary advance of Rs. 500.00 from his G.P.F. Account. He made his application on 16th February, 1966. It was examined by the office the same day and put up for sanction. The next day it was referred to the Accounts Section for verification. The Accounts Section returned the case on 19th February, 1966 duly verified. On 21st February, 1966, the Head of the office passed orders for the grant of advance and on 22nd February, 1966 orders were issued sanctioning the advance.

Chronology of Events

- | | |
|---------|--|
| 16-2-66 | The application for G.P.F. Advance received. |
| 16-2-66 | Put up by the Office. |
| 17-2-66 | Referred to Accounts Section for verification. |
| 19-2-66 | Received from Accounts Section with their remarks. |
| 21-2-66 | Decision taken by the officer Incharge to grant the advance. |
| 22-2-66 | Orders issued sanctioning the advance. |

Comments

This is a case in contrast to show that administration can act swiftly, if it so chooses. The action in this case was prompt because the case was dealt with in the Section of which the applicant himself happened to hold charge. A study of some other cases of similar nature showed that the time taken in their disposal was much longer. The day when the administrators come to regard each application they deal with as their own, delays will become a relic of the past.

SUMMARY

Our search-light in this chapter has been focussed only on what constitutes the dark patches on the administrative canvas. We have concentrated our attention on those cases which provide evidence of the bureaucratic ills, as discussed in the first chapter. We have deliberately not concerned our-

selves in this chapter with those areas in which the citizens could help the administration to serve them better; for, the matter of immediate relevance to our study is the removal of the internal weaknesses in the working of the present administrative machinery. For the same reason, we have not quoted the cases where administration has moved speedily and efficiently, except in one case which we have quoted by way of contrast.

Our only objective in concentrating our search-light on cases handled ineptly is to help the reader identify the weak links in our administrative chain, so that they could be strengthened to approximate to the strongest. It is only then that the administration will get a fair name and a bright image. Also, it is only then that a favourable climate will be created for effective working of the Lokpal and the Lokayuktas.

CHAPTER FOUR

Field Investigation and Data Analysis

METHODOLOGY AND SAMPLING

Scope of the Study

The purpose of the present study is to explore in depth the existing machinery and procedures prevalent in government offices for redress of citizens' grievances. The more important aspects of this study are:

- (a) to examine records at the Secretariat, District, Tehsil|Taluka and Block levels and to see how applications, complaints, representations, etc., from citizens are handled;
- (b) to locate the problem areas;
- (c) to identify the relative strengths and weaknesses of the existing machinery and procedures; and
- ✓ (d) to suggest measures for removing the weaknesses and strengthening the existing machinery and procedures.

Focus of the Study

In our study of the problem, we have refrained from going into the quality of the decision taken, that is to say, the merits or demerits of the way discretion has been exercised. Our purpose, briefly, is to identify the causes, within the administrative systems and procedures, that breed citizens' grievances. With this end in view, we undertook to examine various kinds of communications from the citizens—an original request or application, a representation or a petition for

review of an earlier decision, etc. We have placed considerable emphasis on the time factor, that is, the delay in the disposal of a communication from the public. This we have done in the belief that the public would appreciate prompt response and action or decision, even if it is considered wrong or distasteful; for, they could then seek remedy through the ways available in a democratic system.

Sampling and Operational Definitions

We conducted our study in four States, viz., Orissa, Rajasthan, Andhra Pradesh and Maharashtra. Within each State a District, and within each District, a Tehsil/Taluka and a Block were selected at random for our study. The study was confined to the Departments of Revenue, Irrigation, Industries, Co-operation and Health. Applications, petitions, etc., received from the public, as well as from government employees in each department|office during the period January to March 1966, were taken up to form the 'universe' of our study. From this as the total sample, we selected, primarily on the basis of diary numbers, about 10 applications in each department|office for examination.

The applications were examined with the help of a pre-designed schedule.¹ The operational definitions given to some of the terms used in the schedule are as follows:

- (a) "Application" refers to any request, complaint, representation, petition, etc., received in a Government office from a citizen or a government employee;
- (b) "Final disposal" means that stage of action where no more action is required on the part of the department|office concerned;
- (c) "Non-acknowledgeable applications" comprise all forms of written communication which originate from a government employee or a department|office; which are anonymous, that is, where the name or address of the applicant is not legible or is not indicated; or where a reply is likely to be sent within 10 days.

1. A copy of the schedule is given in Appendix II.

The applications were classified into the following categories according to the time needed for their disposal:

Category	Maximum time-limit considered sufficient for disposal
(a) Simple-routine (Acknowledgement, for information, reminders, asking for furnishing papers, application of simple rules/precedents)	15 days ²
(b) Complex (involving policy issues, relaxation of rules, etc.)	30 days ³
(c) Sub-judice , criminal offences, etc.	(They fall outside the scope of our study)

Limitations of the Study

Due to the limitations of time and finance, our study had to be confined to a very small area, and within that area, to a very small sample. Because of the inter-State and intra-State variations in the system of registering applications, the 'sampling frame' was often not readily available. Also, out of the selected number, sometimes an application had to be rejected as infructuous from the point of view of our study. Because of these reasons, the sample selected for study cannot be regarded as "representative" in the strict sense of the word. Since our present sample is a "half-way house" between 'random' sampling and 'purposive' sampling, the results of the study may be regarded as indicative of the general trend.

Data Analysis

We studied a total of 435 cases spread over the four States, namely, Andhra Pradesh, Maharashtra, Orissa and Rajasthan. The cases were drawn from all the departments

2. & 3. Where other offices had to be consulted, or report had to be called for from lower levels, the normal time for disposal was taken as twice the period indicated above. These time limits, in our view, are rather on the highside in favour of the Administration.

selected for study at State, District, Tehsil/Taluka and Block Levels.⁴

CHARACTERISTICS OF THE APPLICATIONS STUDIED

The distribution of cases studied in various States was fairly even; Andhra Pradesh and Orissa each representing 27 per cent, Maharashtra 26 per cent and Rajasthan 20 per cent. The number of cases drawn from State and District levels (45 per cent and 43 per cent respectively) was higher than that from Tehsil/Taluka and Block Levels (6 per cent each). This was so because at the former two levels, each department office was treated as a unit, while at the latter two levels, the office as a whole was taken as a unit.

Nature of Applications

In the sample studied by us, there is a preponderance of cases which can be termed as simple-routine (64 per cent). Complex cases are about half that number (34 per cent). The remaining 2 per cent of the cases were those of judicial or quasi-judicial nature.

When we relate the nature of these applications to departments and/or levels for a comparative study, some interesting features come to light (Tables 4.1 and 4.2).

TABLE 4.1
Nature-wise requests/petitions received by various departments (%)

<i>Nature of applications</i>	<i>Revenue</i>	<i>Co-operation</i>	<i>Health</i>	<i>Industries</i>	<i>Irrigation</i>	<i>Development (Block level only)</i>	<i>Total</i>
Complex	38	40	37	10	50	8	34
Simple-Routine	62	60	58	90	46	92	64
Others	—	—	5	—	4	—	2
	100	100	100	100	100	100	100
							N=435

4. The terms 'level' or 'area levels' used in this report relate to the State, District, Tehsil/Taluka and Block levels; and not to the hierarchical structure of an organization.

There is an appreciable variation in some cases and similarity in others as far as the percentage of complex cases received in various departments is concerned. Half the applications received in the Department of Irrigation are complex; while the number of complex applications is only one-tenth of the total received in the Industries Department. The number of complex applications received in the Health, Revenue and Co-operative Departments is about two-fifths of the total in each Department (37-40 per cent).

TABLE 4.2

Nature-wise requests/petitions received at various area levels (%)

<i>Nature of applications</i>	<i>State level</i>	<i>District level</i>	<i>Tehsil Taluka level</i>	<i>Block level</i>	<i>Total</i>
Complex	41	31	25	8	34
Simple-Routine	57	67	75	92	64
Others	2	2	—	—	2
	100	100	100	100	100

N=435

Table 4.2 reveals that the number of complex cases declines perceptibly as one goes down the area levels. In our sample the percentage of complex cases at the State level was 41, at the District level 31, at the Tehsil/Taluka level 25 and at the Block level 8. This would possibly explain the need for personnel with better competence and greater efforts for disposal of cases at higher area levels, for it is the complex cases that are assumed to form the hard core of the problem.

Channels Through Which Applications are Received

Many officers seemed to entertain the feeling that people would rather send their applications to Ministers than to the officers who are nearer them and are actually responsible for taking action on their applications. Some others felt that people endorse their applications, as a matter of routine, to Ministers. The extent of these feelings is not, however, borne out by our sample in any of the States, as is evident from Table 4.3.

TABLE 4.3

Distribution according to the channel through which applications are received
(%) (excluding applications from government servants)

<i>Channel</i>	<i>Orissa</i>	<i>A.P.</i>	<i>Rajas- than</i>	<i>Maha- rashtra</i>	<i>Total</i>
Directly by Department	63	61	58	62	61
Through Ministers	18	21	24	15	19
Through higher levels of Ad- ministration	17	12	4	14	13
Others (M.P.s, M.L.A.s)	2	6	14	9	7
	100	100	100	100	100
	N=95	N=100	N=67	N=105	N=367

In Chapter One we made a mention of the feeling entertained by many officers that people send their applications simultaneously to different levels of administration; and in many cases only to the higher political levels. Our data suggest that 19 per cent of the total applications were received through Ministers and 7 per cent through M.P.s, M.L.A.s, etc.; comprising about one-fourth of the total lot. It may not appear to be a high figure statistically, but its implications appear to be quite serious. Does it imply that the citizens rely more on their political representatives for everything they want done by the administration rather than on the administrators themselves? How much of it leads to political interference in day-to-day administration is a question to which our data have no answer; but the question is worth further consideration.

While official feelings in this matter appear to be somewhat exaggerated, there is need for further enquiry whether it was really necessary for the citizens to submit their applications through the Ministers. It is also worth noting that the percentage of applications submitted through Ministers is lower in Maharashtra than in any of the three other States, though only in Maharashtra, a District is formally allotted to each Minister. Our study, confined as it was to a limited number of issues, has no explanation for this phenomenon but we feel that a further probe into the reasons that motivate

a citizen to submit his application to Minister will be worthwhile the effort.

Issues Raised in the Applications

Half the applications received from the public, including the institutions, contained requests to Government for one or other services or sanctions and the other half comprised complaints. Two-thirds of the 'requests' consisted of prayer for grant of specific services, facilities, permits, etc., and one-third for specific sanctions like release of share-funds. Of the "complaints", about half the number pertain to non-provision of supplies|facilities, or to discriminatory treatment, harassment, rude behaviour, etc.; and the other half pertain to corruption, improper practices, misuse of power and appeal against Government decisions|actions.

The issues raised in the applications from government employees relate to a heterogeneous lot, more or less equally divided. These relate to "requests" and "complaints" on matters connected with their service, for example, requests for provision of specific services, requests for payment of arrears, complaints about service matters, complaints about non-payment of arrears, and appeal against decisions.

PROCEDURAL PROFILE OF CASES STUDIED

Citizens' grievances are often attributed to procedural deficiencies and hurdles. The main procedural issues involved in the handling of applications from the citizens are: (1) the way applications are diarised, (ii) the extent to which they are acknowledged; (iii) the way they are handled by officers in dak stage; and (iv) the total time taken for their disposal, etc. In this section, it is proposed to study these procedural aspects with a view to locating the comparatively weak and vulnerable areas.

Register for Diarising of Applications

A very large number of applications (90 per cent) received in dealing sections are diarised in the General Register, that is to say, along with the other communications; five per cent are diarised in the Petitions|Complaints Register and two per cent in both (Table 4.4).

TABLE 4.4
Type of register in which applications are diarised

<i>Type of Register</i>	<i>Percentage</i>
General Register	90
Petitions/Complaints Register	5
In both	2
Not diarised in any register	3
	100
	N = 435

Inasmuch as the follow-up or scrutiny of applications becomes difficult when their registration is mixed up with communications of a heterogeneous nature, the fact of their not being diarised in a separate Petitions|Complaints Register may possibly be one of the factors contributing to delays. **It will, therefore, be useful to ensure that all applications from the public are diarised in a separate Petitions Register.**

Acknowledgement of Applications

In accordance with our operative definition, all applications received from government servants and from the public to which reply is expected to be sent within ten days of their receipt, are non-acknowledgeable. In our total sample, the number of acknowledgeable and non-acknowledgeable applications is almost equally divided. (Table 4.5).

TABLE 4.5
Acknowledgeable and non-acknowledgeable applications

<i>Category</i>	<i>Percentage</i>
Acknowledgeable	51
Non-acknowledgeable	48
Not clear	1
	100
	N = 435

Of the acknowledgeable applications, a little less than one-third are actually acknowledged. (Table 4.6).

TABLE 4.6

How many applications were actually acknowledged (%)

	<i>Percentage</i>
1. Acknowledged	30
2. Non-acknowledged	70
	100
	N=221

That a very large number of applications is not acknowledged seems to be a fairly serious matter, for even if action is initiated by the government departments on such applications, the citizens, who send them, are likely to go about with the impression of official apathy. **Non-acknowledgement of applications constitutes a deplorable communication gap which can, and should, be filled up so as to improve the image of administration in the eyes of the people.**

The Governments of Andhra Pradesh, Maharashtra and Rajasthan have issued specific instructions that the applications, petitions, etc., submitted by the public should be acknowledged. Has it made any difference in the matter of acknowledgement of applications by those States as compared with Orissa, which does not seem to have issued any specific instructions in this regard?

Table 4.7 would show that it has not, for the highest percentage of the applications acknowledged is scored by Maharashtra (46 per cent), followed second by Orissa (38 per cent). These two States, one which has issued specific instructions, and the other which has not, stand at a closer level while the other two States—Andhra Pradesh (17 per cent) and Rajasthan (10 per cent)—score far less, even though both of them have issued specific instructions for acknowledgement of applications.

Rush of work and/or large number of applications were mentioned as the reasons for non-acknowledgement of applications received from citizens. Generally speaking, a standardised acknowledgement form should not take more time than the diarising of an application. If time can be found for

TABLE 4.7
State-wise acknowledgement of applications (%)

	<i>Orissa</i>	<i>Andhra</i>	<i>Rajas- than</i>	<i>Maha- rashtra</i>	<i>Total</i>
Acknowledged	38	17	10	46	29
Not acknowledged	62	83	90	54	71
	100%	100%	100%	100%	100%
	N=55	N=63	N=40	N=63	N=221

diarising the applications, there is no reason why they cannot be acknowledged. The real reason for non-acknowledgement of applications appears to be that the habit of doing so is not yet so well-established as the habit of diarising the applications.

Handling of Applications by Officers in Dak Stage

The procedure generally⁵ provides that the incoming applications should be submitted to officers in dak stage. One

5. The exact instructions, as far as they could be ascertained in various States visited by us, are as follows:

(i) *Andhra Pradesh*

The Assistant Secretary will study the tappal (papers and files in dak stage), record his instructions and also dictate the final or draft replies wherever possible....(The Andhra Pradesh, Secretariat Office Manual, 1963, p. 8).

(ii) *Maharashtra*

The Branch Officer (in the Secretariat) will—

- go through the Tappal as soon as it is received from the Branch or registry;
- initial every receipt in token of his having seen it;
-
- retain receipts which he would like to handle personally without the assistance of the office, and
-

(Maharashtra State, Manual of Office Procedure for Secretariat Departments, 1963, p. 8).

(iii) *Orissa*

After going through the contents of a communication (in dak), the officer should, where necessary, record briefly an order indicating the action to be taken, considering the urgency and importance of the correspondence....(Government of Orissa, The Orissa Records Manual, 1964, p. 14).

should normally expect that as many of the applications as possible should be disposed of by officers themselves. The Manual of Office Procedure in the Government of India and in some States specifically provides for this, the aim being to speed up disposal by reduction of handling levels and elimination of unnecessary and excessive noting⁶ at various levels.

The latest innovation, namely, the Officer-Oriented system, is a significant extension of this principle.

Our data suggest (Table 4.8) that a large number of applications (about 86 per cent) are submitted to officers in dak stage, but only a small number (8 per cent) are disposed of by the officers themselves. Instructions for action are given on nearly two-fifths of the applications and almost an equal number are merely initialised.

TABLE 4.8
Handling of applications in dak stage (%)

	<i>Complex</i>	<i>Simple- Routine</i>	<i>Total</i>
Merely initialised	37	41	40
Instructions given for action	45	36	38
Directly disposed of	5	9	8
Not seen at all	11	11	11
Not ascertained/Not clear	2	3	3
	100	100	100
			N=435

Table 4.9 shows the details of action taken in dak stage by officers at various area levels.

6. The tendency towards what Lord Curzon calls "the main abuse and scandal of the present system" of noting still seems to persist, a system "under which everybody from a clerk to a Member of Council paraphrases, initials, notes or recommends and is handed down to posterity and add in print" so that "in the wilderness of diverse opinions, its original proportions and point are eventually lost to view...." (From the minute on "Reforms in the system of Noting" recorded by Lord Curzon on May 24th, 1899, vide the *Indian Journal of Public Administration*, Vol. XII, No. 2, July-September, 1966, pp. 656-72. The particular quotation is from page 664.

TABLE 4.9

Handling of applications in dak stage by officers at various area levels (%)

	<i>Level</i>				
	<i>State</i>	<i>District</i>	<i>Tehsil</i>	<i>Block</i>	<i>Total</i>
Merely initialled	41	42	36	23	40
Instructions given for action	37	41	32	35	38
Directly disposed of	5	5	21	27	8
Not seen at all	14	7	11	15	11
Not ascertained/not clear	3	5	—	—	3
	100	100	100	100	100
	N=194	N=187	N=28	N=26	N=435

According to table 4.8, only 9 per cent of the simple-routine applications are disposed of by officers in dak stage, though they form 64 per cent of the sample (Table 4.1). Similarly, the number of cases directly disposed of at various area levels is dis-proportionately small as compared with their total number—5 per cent each disposed of at State and District levels (though the simple-routine cases from 57 per cent and 67 per cent respectively of the total sample at these levels), 21 per cent of such cases are disposed of at Tehsil level (against three-fourths of the cases being simple-routine), and 27 per cent of such cases at the Block level against the total sample comprising preponderantly (92 per cent) simple-routine cases (c.f. Table 4.2).

Table 4.8 would suggest that the nature of applications—simple-routine or complex—hardly makes any difference as far as disposal by officers in dak stage is concerned, an inference which seems corroborated by Table 4.9. However, Table 4.9 seen with Table 4.2, would show another, and possibly contradictory trend, namely that the percentages of simple-routine cases and of direct disposed go on rising as one goes down the area level. It would appear that the larger the number of simple-routine cases, the higher the proportion of direct disposal by officers. These two propositions appear to contain a contradiction. We have seen (Table 4.2) that the

percentage of simple routine cases at all area levels is fairly high; and so the percentage of direct disposal also should be high for all area levels. The question arises: why is it that the percentage of direct disposal of applications by officers is low at higher area as compared with that at the lower area levels? The answer to this question probably depends on many variables which need to be investigated.

Table 4.10 would show the State-wise comparison of action taken by officers in dak stage. The percentage of cases disposed of by the officers in Orissa is the highest (16 per cent) followed by Rajasthan (7 per cent), Andhra Pradesh (5 per cent) and Maharashtra (2 per cent).

TABLE 4.10

Handling of applications in dak stage by officers in various States (%)

	<i>Orissa</i>	<i>A.P.</i>	<i>Rajas- than</i>	<i>Mahara- shtra</i>	<i>Total</i>
Merely initialled	37	35	32	54	40
Instructions given for action	39	47	57	14	38
Disposed of by officer himself	16	5	7	2	8
Not seen by officer at all	4	13	3	22	11
Not clear	4	—	1	8	3
	100	100	100	100	100
	N=117	N=119	N=85	N=114	N=435

The States of Rajasthan and Andhra have provided in their instructions that applications from the public should normally be received by a gazetted officer and, if an immediate decision could be taken in the matter, it should be done and intimated to the applicant on the spot. No such instructions seem to have been issued by other two States in which we carried out our study, including Orissa; and yet it is in Orissa, where a larger number (16 per cent) of applications is disposed of direct by officers, as compared with the rather small number in other States (7 per cent and below).

It appears that it is not so much the formal issue of instructions—important though it is—that helps towards easing of a problem as is the quality of human element as well as

the degree and quality of supervision. This view, however, is nothing more than mere surmise unsupported by empirical evidence; at best it is an extension of the behavioural theory of administration, to which we drew attention in Chapter One. The phenomenon needs, as already suggested, a deeper probe through further studies.

Tables 4.8, 4.9 and 4.10, then, lead us to three propositions in respect of disposal of cases direct by officers. To recapitulate, these are:

- (i) As far as disposal by officers in dak stage is concerned, it hardly makes any difference whether the application is routine or complex;
- (ii) The larger the number of routine and simple cases, the higher the proportion of direct disposal by officers; and
- (iii) The issue of instructions for direct disposal in dak stage is not of much help, unless other conditions favourable to this phenomenon exist, or are created.

The factors at work to influence these propositions seem to be many and rather complex in nature. They would need a more elaborate investigation for their identification and remedial action. This seems to have a greater urgency and importance in the context of the increasing favour being bestowed upon the officer-oriented system. Even considered independently, on its own merits, a deeper probe into this problem might prove well-worth the effort, for it might provide the key to quick disposal of applications by officers themselves.

DELAYS

According to Nature of Cases

Of all the problems having a bearing on redress of citizens' grievances, the most significant and pernicious problem seems to be that of delays. Our data show that delays occur in all the departments and at all levels. Delays also occur in the case of applications received directly by departments, through Ministers, through higher levels of administration,

through lower levels of administration and through others like M.P.s, M.L.A.s and Presidents of other Institutional bodies.

Table 4.11 would give an idea of the amount of delay in disposal of cases. **Only one-fourth of the applications are disposed of in the time regarded as normal.** Delay occurs in the remaining 75 per cent of the cases—about one-eighth of the delayed cases are disposed of in less than one month, one-fifth in between 1 and 3 months, about one-eighth each in between 3-6 months, 6-9 months and 9-12 months, while one-tenth of the cases hang on for over a year.

Delays occur both in the case of complex applications and simple-routine ones. Delay to some extent is understandable in the case of complex cases, and for this reason, we had provided for a longer period as normal to their disposal

TABLE 4.11
Time taken for disposal in relation to nature of cases (%)

<i>Time taken</i>	<i>Complex</i>	<i>Simple-routine</i>	<i>Others</i>	<i>Total</i>
Normal—no delay	9	33	14	25
<i>Not normal and extent of delay</i>				
Less than 1 month	10	13	—	12
1—3 months	19	18	43	19
3—6 months	21	8	—	12
6—9 months	17	7	14	10
9—12 months	12	11	—	11
More than 1 year	11	8	—	9
Not ascertained	1	2	29	2
	100	100	100	100
	N=147	N=281	N=7	N=435

Nevertheless, the above table would show that only 9 per cent of the complex cases are disposed of in time; the remaining 91 per cent are delayed. Of these, 10 per cent are disposed of in less than one month, 19 per cent in between 1 to 3 months, 21 per cent in between 3 to 6 months, 17 per cent in between 6 to 9 months, 12 per cent in between 9 to 12

months and 11 per cent carry on for more than a year. The delay in the case of complex applications is highly inordinate and would seem to call for special attention and vigilance.

That one-tenth of the complex applications are disposed of within normal time-limit would suggest that even complex cases can be disposed of expeditiously. But the distressing feature of the above table is that **only one-third of the simple-routine cases are disposed of in the normal time. The remaining two-thirds are delayed**, the amount of delay being: (i) 13 per cent of the cases disposed of later than in the normal time but in less than a month, (ii) 18 per cent are disposed of between 1 to 3 months, (iii) 8 per cent disposed of between 3 to 6 months, (iv) 7 per cent disposed of between 6 to 9 months, (v) 11 per cent disposed of between 9 to 12 months, and (vi) 8 per cent hang on for over a year.

It is difficult to see why simple-routine cases should lie pending, at the most, for more than a month. The large number of simple-routine cases delayed beyond a period of one month proves that it is not merely the complexity of rules and procedures that lead to delays: obviously, laxity of administration and supervision, lack of interest and of spirit of responsibility, lack of sensitivity towards public interest may be some of the other important contributory factors.

Delays at Various Area Levels

Table 4.12 indicates the distribution of delay in the disposal of cases at various area levels.

TABLE 4.12
Delays at area levels (%)

<i>Time Taken</i>	<i>State level</i>	<i>District level</i>	<i>Tehsil level</i>	<i>Block level</i>	<i>Total</i>
Normal—no delay	14	29	46	50	25
<i>Not normal and extent of delay</i>					
Less than 1 month	8	13	25	15	12
1—3 months	22	17	11	19	19
3—6 months	11	15	7	8	12
6—9 months	15	7	4	8	10
9—12 months	18	8	—	—	11
More than 1 year	12	7	7	—	9
Not ascertained	—	4	—	—	2
	100	100	100	100	100
	N=194	N=187	N=28	N=26	N=435

According to this table, 14 per cent of the cases received at the State level are disposed of in normal time, the percentage for District level being 29, Tehsil level 46 and Block level 60. This table would show that the extent of delay goes on decreasing as one goes lower down the area level. We can look for the possible explanation of this phenomenon in three directions:

- (i) The proportion of simple-routine cases is greater at the lower levels (Table 4.1);
- (ii) The officers at lower area levels themselves directly dispose of a large number of applications as compared with those at higher area levels, thus taking less time than would otherwise be the case (Table 4.9); and
- (iii) A small number of cases, if any, is referred to the lower and subordinate offices by the officers at the Tehsil and Block levels.

The explanations at Serial Numbers (i) and (ii) above do not seem to provide the complete answer to this phenomenon. As we have already seen (Table 4.11), delays occur both in the case of complex cases as well as in the case of simple-routine cases. As we shall see a little later (Tables 4.14—4.17), delays occur both at the hands of the lower levels of staff and higher levels, though their degree is not the same, and therefore, the explanation at Serial No. (ii) also does not offer much help. The explanation at Serial No. (iii) seems to have more substance in it, because delays in subordinate offices coupled with lack of follow-up are one of the major contributory causes of delay (vide Table 4.14—4.17). The hypothesis we can draw for further study is this: One of the major causes of delays may be the inter-departmental references. Therefore, what probably needs to be done is to make inter-departmental office references only when absolutely necessary, to make a simultaneous reference (if more than one office is to be consulted), to make a complete reference listing all the points on which consultation is to be done and to tighten up the control over subordinate offices.

State-wise Delays

The Government of Rajasthan have specified time-limits

in certain cases for disposal of applications. The Government of Andhra Pradesh have specified the number of days for initiating action on a case. The Government of Maharashtra have laid down that the Assistant Secretary should himself supervise the disposal of the cases at every stage and see that no avoidable delay occurs, that every application marked 'urgent' is submitted by the Branch or Section dealing with it within a week of its receipt. The Government of Maharashtra have also laid down that if any matter requires to be seen and considered by more than one department of the Secretariat the papers should not be tossed for several days or weeks from one department to another, but they should be disposed of within a week, ordinarily by discussion between Secretaries and Deputy Secretaries. Orissa does not appear to have issued any instructions in regard to the time-limits for disposal of applications. Table 4.13 was drawn up to see whether these instructions made any impact on the speed of disposal of cases.

TABLE 4.13
State-wise delays (%)

<i>Time Taken</i>	<i>Orissa</i>	<i>A.P.</i>	<i>Rajas- than</i>	<i>Mehera- shtra</i>	<i>Total</i>
Normal—no delay	33	11	29	25	25
<i>Not normal and extent of delay</i>					
Less than 1 month	8	11	8	19	12
1—3 months	14	16	17	29	19
3—6 months	14	18	11	7	12
6—9 months	9	16	8	7	10
9—12 months	15	10	14	7	11
More than 1 year	4	18	9	4	9
Not ascertained	3	—	4	2	2
	100	100	100	100	100
	N=117	N=119	N=85	N=114	N=435

Inasmuch as the percentage of delayed cases is very high in all these States, it appears that specifying time-limits has not made any significant impact on the speed of disposal. Though the percentage of applications disposed of in time considered normal by us is low in all the four States, it is the highest in Orissa, a State which has not specified time-limits for disposal of applications. On the contrary, Rajasthan and

Maharashtra, which have specified the time-limits, score very high (29 per cent and 25 per cent respectively) as compared with Andhra Pradesh (11 per cent), though Andhra Pradesh too have specified the time-limits beyond which a case should not be kept pending by any official. This would seem to point to the need for probing these phenomena further with special reference to the role of morale and motivation of the personnel involved at all hierarchical levels.

Reasons for Delay According to Area Levels

In matters like ascertaining the reasons for delay, the file as a source of information (as in our study) is much less communicative than is a face-to-face interview with individuals. In such a situation all that we could get in cases of delay was where a delay occurred: the why and how of it was not generally ascertainable from the file. Therefore, the four reasons that we could adopt for our enquiry were: (1) Delays at the level of Section Officer|Superintendents or their staff; (2) Delay at levels above that of the Section Officer|Superintendent; (3) Delay in subordinate offices in furnishing reports|comments; and (4) others. The responses were permitted to be multiple in nature, i.e., each application could theoretically yield a maximum of four reasons. Hence the figures in Tables 4.14 to 4.17 should be taken to mean percentages in relation to the total number of reasons recorded and not to the total number of applications examined.

TABLE 4.14
Reasons for delay at State level (%)

<i>Reasons for delay</i>	<i>Less than 1 month</i>	<i>1 to 3 months</i>	<i>3 to 6 months</i>	<i>6 to 9 months</i>	<i>9 to 12 months</i>	<i>more than 1 year</i>	<i>Total</i>
Delay at lower levels—S.O. and below	24	19	14	17	9	9	15
Delay at higher levels	4	13	14	11	3	9	10
Delay in subordinate offices asked for report/com- ments	48	38	64	50	60	53	52
Lack of follow-up action	24	30	8	22	23	29	23
Others							
	100	100	100	100	100	100	100
No. of reasons	(29)	(67)	(49)	(50)	(66)	(45)	(306)

TABLE 4.15

Reasons for delay at District level (%)

<i>Reasons for delay</i>	<i>less than 1 month</i>	<i>1 to 3 months</i>	<i>3 to 6 months</i>	<i>6 to 9 months</i>	<i>9 to 12 months</i>	<i>more than 1 year</i>	<i>Total</i>
Delay at lower levels—S.O. and below	32	17	17	19	22	19	20
Delay at higher levels	11	15	13	11	8	19	13
Delay in subordinate offices asked for report/com- ments	27	51	38	51	59	43	45
Lack of follow-up action							
Others	30	17	32	19	11	19	22
Number of reasons	100 (37)	100 (59)	100 (47)	100 (37)	100 (27)	100 (27)	100 (234)

TABLE 4.16

Reasons for delay at Tehsil/Taluka level (%)

<i>Reasons for delay</i>	<i>less than 1 month</i>	<i>1 to 3 months</i>	<i>3 to 6 months</i>	<i>6 to 9 months</i>	<i>9 to 12 months</i>	<i>more than 1 year</i>	<i>Total</i>
Delay at lower levels—S.O. and below	20	13	—	—	—	—	11
Delay at higher levels	—	13	—	—	—	—	3
Delay in subordinate offices asked for report/com- ments	33	62	50	100	50	100	57
Lack of follow-up action							
Others	47	12	50	—	50	—	29
Number of reasons	100 (15)	100 (8)	100 (4)	100 (3)	100 (2)	100 (3)	100 (35)

TABLE 4.17
Reasons for delay at Block Level (%)

<i>Reasons for delay</i>	<i>Less than 1 month</i>	<i>1 to 3 months</i>	<i>3 to 6 months</i>	<i>6 to 9 months</i>	<i>9 to 12 months</i>	<i>more than 1 year</i>	<i>Total</i>
Delay at lower levels—S.O. and below	25	7	17	29	—	—	16
Delay at higher levels	—	7	17	29	—	—	13
Delay in subordinate offices asked for report/com- ments	—	14	16	42	—	—	19
Lack of follow-up action							
Others	75	72	50	—	—	—	52
	100	100	100	100	—	—	100
Number of Reasons	(4)	(14)	(6)	(7)	—	—	(31)

The above tables would show that:

- (i) delays occur both at the lower hierarchical levels (the level of the Section Officer/Superintendent and below) and at higher ones (above the Section Officer);
- (ii) that the extent of delay at the lower levels is slightly greater than that at the higher levels; and
- (iii) that the major contribution causes of delays are delays in subordinate offices combined with lack of follow-up action.

OTHER RELATED PROBLEMS

Personnel Problems

Big Organizations—our administrative organizations have grown quite big on account of the growth in developmental services and activities—work on the principle of division of functions. Work-division and specialization increase inter-dependencies and accentuate the problem of co-ordination. In this sense the machinery and procedures for redress of citizens' grievances at the State level as well as at the

lower levels is a part of, and is influenced by, the total administrative set-up; hence its consideration in isolation from other related aspects is likely to give a distorted and possibly misleading picture. We, therefore, propose to discuss personnel and other related aspects of the problem with a view primarily to bringing out a proper perspective and drawing attention to what was represented to us by the officers in the course of our interviews with them.

We have seen (Table 4.11) that delay in disposal of applications forms the crux of the problem. Various reasons for delays were advanced to us by officers. Opinion was, however, divided on the extent to which the inadequate calibre⁷ of the office staff was responsible for this delay. Some officers felt that personal deficiencies of officials at these levels made a very minor contribution to the totality of delays occurring in the disposal of applications|petitions, while some others felt that these deficiencies formed a major contributory cause for delay. Some officers also mentioned lack of knowledge of rules and regulations, insubordination, lack of discipline or responsibility as factors contributing to delays.

In this context, we tried to get an idea about the educational qualifications, mode of recruitment, length of service, in-service training, work-procedures and feelings of the ministerial staff inasmuch as these might have a bearing on the way applications are handled in government offices. In the offices visited by us, we interviewed, on the basis of a structured Schedule,⁸ a Superintendent and a dealing hand. The total number of persons interviewed was one hundred and eleven. The data collected indicate that:

- (i) About two-fifths of the staff are matriculate. Those who are matriculate and above are in an overwhelming majority, while under-matriculates

7. This question, to our mind, is very important; for even if the indifferent workers are small in number, their very presence seems to act as a drag on efficiency. As Best puts it: "It is an immutable fact that the best system, the most advanced legislation, or the most efficient administrator is often no better than the weakest employee working in the organization"—J. C. Best, "Management and Staff Relations in Public Services" *Canadian Public Administration*, Vol. IV, No. 2, June, 1961, p. 169.

8. A copy of the schedule is given in Appendix III.

are only one-twentieth of the total staff;

- (ii) The number of those recruited through competitive examination and those recruited direct is almost equal;
- (iii) About four-fifths of the staff have put in a service of over 10 years. About one-third of the total staff have put in more than 20 years of service, and one-twentieth have put in less than five years;
- (iv) An overwhelming majority of the staff said that they have had no training with special reference to the handling of public grievances, only three per cent of them said that they have had such training;
- (v) A large majority of staff said that Departmental Manuals/Rules and Instructions for their present job were available; only one-tenth of the staff had either no idea or they said that Manuals, etc., were not available;
- (vi) About half the staff said that they made use of the Manuals. Two-fifths said that they did it to some extent and the remaining one-tenth said that they made no use of them;
- (vii) About three-fourths of the staff said that statement of pending cases is prepared;
- (viii) Only one-third of the staff said that there were incentives for good work;
- (ix) About one-half of the staff said that bad work is tolerated by officers (to a great or small extent); and one-third said that it is not tolerated; and
- (x) Three-fourths of the staff said that the work-load was heavy or very heavy and the rest said that it was normal.

The number of higher officers who complained to us of heavy work-load through waste of their time in infructuous work, meetings, conferences, etc., was also quite large. We, therefore, feel, that the problems of work-load and efficiency of staff need to be examined in detail through another study

with an eye on more progressive personnel policies and more enlightened human approach. The proposed study should focus attention on such aspects as better recruitment policy, helping employees prepare for a position of higher responsibility through training and guidance, greater opportunities for promotion and employee-morale and motivation, etc.

We have mentioned earlier (Chapter One) that government employees too have their grievances, often genuine ones, and that matters relating to their appointments, removals, pay, discipline, superannuation or other personal matters are outside the purview of the proposed institutions of Lokpal and Lokayukta. While reasons for this are understandable, it is for consideration whether applications, etc., of government employees pending for more than one year should not be brought within the purview of these institutions in so far as delays, as distinct from merits of the case, are concerned.

While a substantial number of staff and some officers complained of heavy work-load, the opinion about the adequacy and efficacy of the present O & M Organization was divided; some even said that the O and M authority had never visited their offices. We, therefore, feel that the O and M Organization needs to be strengthened and regular inspections and work-study need to be carried out in all offices with a view to improving work procedures, eliminating infructuous work and achieving greater work-productivity. We feel that the time-limits, suggested by us in Appendix V, are quite realistic; but we fear that they may not be adhered to, or enforced, unless the staff concerned at all levels is helped in a constructive spirit, as suggested in our above mentioned recommendation. At the same time, a scale of penalties like warnings, adverse confidential, etc., should be laid down for chronic defaulters; just as a scale of incentives, like letters of appreciations, prizes, etc., should be laid down for consistently good workers.

Rules, Regulations and Manuals

The Rules, Regulations and Manuals of pre-Independence administration constitute a link between the past 'Police' administration and the present 'Developmental' administration. Rules and Regulations always suffer from a certain

deficiency inasmuch as they cannot foresee all eventualities of a situation for which they are framed. The deficiencies become much more glaring when the situation changes, as it did after Independence. No wonder that the rules were amended every time a new or un-anticipated situation presented itself and in every Manual we have an accumulated heap of amendments or 'correction' slips, (that is, if they are pasted at all), and the Manual presents a muddle in which the staff and officers find it difficult, if not impossible, to find their way which in any case is a time-consuming process.⁹ The plethora of new legislation and of correction slips and the obsolescence of the Manuals were said to be the main reasons for the complaints that the rules and regulations were often not followed by the staff and the officers were ignorant of rules and regulations. Therefore, **simplification of Manuals and bringing them up-to-date in a consolidated manner and preparation of one where none exists need urgent attention.** The time, effort and money, spent on this work, will, in our view, pay rich dividends; it will save the precious time and effort of thousands of other administrative functionaries, and ensure more judicious application of rules by reducing the chances of wrong decision/action taken on account of ignorance or non-availability of rules.

The Problem of Public Relations

Public knowledge, about governmental activities and policies being what it is,¹⁰ it seems essential that ways and means should be devised for ensuring free and easy flow of information about the activities of administrative organizations, their rules and procedures, and the modifications made in them from time to time. The existing media—gazette

9. As one Collector put it: There are 800 pages of the Revenue Code and it is not up-to-date. Why can't it be reduced to 200 pages and brought up-to-date?

10. According to an empirical study by A. P. Barnabas, 73 per cent of the villagers did not know the conditions of eligibility for grant of a taccavi loan, 46 per cent did not know the purpose for which taccavi loans are granted by Government, 25 per cent did not know the location of the nearest Maternity and Chief Welfare Centre and 83 per cent were ignorant about the location of the Family Planning Centre—See A. P. Barnabas "Citizens' Grievances in Development Administration," Indian Institute of Public Administration, 1966 (Mimeo—Chapter III).

notifications, press hand-outs, news items—all these have proved inadequate for bringing current information about governmental policies and programmes to the notice of the public. How to ensure greater information flow is a matter that deserves serious consideration.

It was suggested to us by many officers that the Public Relations Department mainly concerns itself with publicity of some of the things that have been undertaken by the Government: other aspects of public relations are neglected. In a broad sense, public relations encompasses all aspects of relationship between the Administration and the Citizen.

Public Relations Officers attached to various offices can play a very useful, educative and reformatory role in promoting public knowledge about governmental activities; they can widely publicize the new legislative amendment, new orders and policy, decisions of Government and can suggest various measures for bringing the citizens and the administrators nearer to each other. While it should not be a part of the duties of the Public Relations Officer to deal with citizens' grievances, the objectives of his office should be:

- (a) to keep people informed of the policies and programmes of Government;
- (b) to educate people regarding their rights and responsibilities; and
- (c) to watch the reaction of the citizens towards Government policies and programmes and to keep the Government informed of it.

SUMMARY

We may now sum up the main findings resulting from our data analysis. Most of the applications from citizens are diarised at present in the General Register, and not in the Special Complaints|Petitions Register. The result is that they get mixed up with other communications received in the office. Proper follow-up becomes difficult; and lack of follow-up, as we have seen, is one of the major contributory causes of delay. The number of simple-routine applications is larger than that of complex applications. However, the nature of applications—simple-routine or complex—hardly makes any differ-

ence as far as action by the officers in dak stage is concerned. The percentage of cases disposed of by the officer himself is low for both simple-routine and complex type of cases. Another and rather contradictory trend is, that the percentages of simple-routine applications as well as of direct disposal by officers progressively increase as one goes down the area levels. These findings, together with another finding, that cases get delayed both at the level of the Assistants and Section Officers and of the higher officers, would point to a partial ineffectiveness of the officers in the speedy handling of citizens' applications. The problem of delays is heightened by the fact that even the simple-routine cases are considerably delayed, a phenomenon for which there can be no logical explanation except that of an administrative sluggishness, bordering on paralysis.

Any scheme for reforming the present machinery and procedures for redress of citizens' grievances must take into account, and be related to, these findings.

PART THREE

THE CORRECTIVE MEASURES

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CHAPTER FIVE

Towards Better Administration

THE GIST OF OUR FINDINGS

We have by now a general idea of the main characteristics of our sample and of the procedural deficiencies that beset the handling of applications from citizens. To recapitulate, the more important characteristics of our sample are the following:

- (i) there is a preponderance of simple-routine cases (64 per cent);
- (ii) the number of complex cases declines perceptibly as one goes down the area levels; and
- (iii) only 19 per cent of the applications in our sample were received through Ministers and 7 per cent through M.P.s, M.L.A.s, etc.

On the procedural side, our data suggest a number of deficiencies, the chief among them being:

- (i) the bulk of the applications (90 per cent) are diarised in a general register and only five per cent are diarised in a special Complaints|Petition Register;
- (ii) of the acknowledgeable applications, only about one-third are actually acknowledged;
- (iii) a large number of applications (86 per cent) are submitted to officers in dak stage, but only a small number (8 per cent) are disposed of at that stage by the officers themselves;
- (iv) only one-fourth of the applications are disposed of in time regarded as normal, the rest are delayed beyond the normal time;

- (v) only one-third of the simple-routine cases are disposed of in normal time, the remaining two-thirds are delayed;
- (vi) the extent of delay goes on decreasing as one goes lower down the area level;
- (vii) one of the major causes of delay appears to be the inter-departmental references;
- (viii) specifying time-limits for disposal of applications has not made any significant impact on the speed of disposal; and
- (ix) it is not merely the complexity of rules and procedures that lead to delays; laxity of administration supervision, lack of interest and of spirit of responsibility, lack of sensitivity towards public interest may be some of the other important contributory factors.

We have suggested in the course of the interpretation of our data certain issues that need a further and deeper study. We have also suggested a few *ad hoc* remedial steps for removal of the deficiencies revealed by our data. However, before proceeding further for drawing up a comprehensive picture of our suggestions for dealing with the problem in its totality, it would be worthwhile to delineate a few principles that have guided our general approach to the problem within the framework of our aforesaid findings.

THE GUIDING PRINCIPLES

The aforesaid characteristics of our sample and general procedural deficiencies brought to light by our data provide the ground in which to look for ways and means of improving the machinery and procedures of governmental organizations which have to deal with applications from the public. They also furnish the background for developing our general approach to the whole problem. A part of this approach derives from our discussion on theoretical and ideological concepts discussed in Chapter One. We referred there to the dilemmas and paradoxes that beset modern organizations, to the democratic goals and values enshrined in our Constitution with their emphasis on the dignity of the individual, to the

complexity and obsolescence of present rules and procedures including the general non-availability of Manuals and Rule-books; to the ills attributed to bureaucracy in general and to the need for ensuring redress of grievances of individual government employees. There are, in addition, a few other principles or elements of our approach which we might define before we proceed to offer our suggestions for strengthening the machinery and procedures for redress of citizens' grievances.

Systems vs. Individuals

In our study of the problem we have tried constantly to bear in mind the distinction between the failure or inadequacy of systems and procedures and the failure or inadequacy of the individuals charged with the responsibility for following those systems or procedures. Where a fault can be traced to the failure of human element, for example, the supervisor's failure to prepare a regular and correct statement of pending cases as prescribed in the Manuals, no blame should lie with the systems and procedures. Nor should the individual aberration lead to a change in the existing systems and procedures, unless they are found to be faulty and/or inadequate. It is well to bear in mind that the deficiencies of individual staff members can best be removed through enlightened personnel policies, particularly training, while deficiencies in procedures call for a second look at the procedures themselves.

The Plea of Over-work

Rush of work and shortage of personnel were often mentioned to us as the main reasons for something not done when it ought to have been done or for something done inadequately or in a faulty way. Our own probe into this problem revealed that about three-fourths of the Ministerial staff felt that their work-load was heavy or very heavy. Provision of additional hands was suggested to us as a way out of this difficulty. We are, however, of the view that the problem essentially is that of: (i) ensuring proper distribution of work; and (ii) ensuring greater work-productivity per unit with the help of more enlightened principles of office management. The remedy does not universally lie in the provision of additional staff; the remedy shall, in fact, have to be found in finding out ways and means of greater work productivity per person,

through better training and motivation, through a more systematic co-ordination and simplification of work procedures and standardisation of repetitive work processes. Provision of additional staff may be necessary where substantial additions to work take place, but this should be regarded as the last, and not the first, of the remedial measures. Proliferation either of organizations or of their personnel, without reference to other aspects of organizational improvement, seldom contributes to increase in work efficiency.

Procedural Deficiencies

There are two major deficiencies which require special mention: (i) non-acknowledgement of application, and (ii) delays in their disposal. Our data show that a large number of applications and representations from citizens are not acknowledged. Further, the administration does not sometimes inform the citizens even where action or decision has been taken on the application.

Few other things perhaps tarnish the image of administration as much as the failure of communication at this vital point. **As in the case of justice, not only is it important that action or decision on the application should be taken promptly, but it is equally important that it should appear to have been taken promptly.** Prompt action and proper communication of decisions go a long way towards enhancement of satisfaction among the citizens with the administration.

Delays

We have given in Chapter Three some illustrative cases of delays in the handling of applications in government offices. These cases as well as the results of our data analysis given in the preceding Chapter would lead one to believe that the villain of the piece in the whole system of handling applications from the public is the problem of delays. We have already seen that delays are not always or entirely due to faulty or complicated rules and procedures; they continue to occur again and again in simple-routine as well as in complex type of cases, in lower hierarchical levels as well as in higher ones, in disposal of applications from citizens as well as from government employees.

The officers, with whom we had the benefit of discussions on the subject, mentioned various reasons that lay behind these delays.¹ They can be traced to personnel and procedural deficiencies. Important though they are, it appears to us that failure to take action, or correct action, where it is clearly indicated by virtue of rules, regulations, standing orders or even commonsense is one of the major contributory causes of delays, and it merits special consideration.

With this as the general framework of our approach to the problem, we may now proceed to offer concrete suggestions for strengthening the existing machinery and procedures for redress of citizens' grievances.

MACHINERY FOR DEALING WITH CITIZENS' APPLICATIONS

At the State Level

Speaking broadly, though in a somewhat overlapping manner, the machinery for the removal of citizens' grievances in the States as described at some length in Chapter Two, can be classified as follows:

(i) States² which have a high level officer for the

1. The more important among these are:

- (i) Heavy work-load on staff and officers;
- (ii) Improper examination of the case;
- (iii) Inadequate attention to reminders;
- (iv) Non-preparation of statement of pending cases or improper scrutiny of these prepared;
- (v) Inadequate supervision;
- (vi) Condonation of delays caused by staff and officers;
- (vii) Lack of competent staff; and
- (viii) Non-familiarity of officers and staff with rules and procedures.

(See also the reasons mentioned in the Government of Rajasthan, Department for Removal of Citizens' Grievances. First Annual Report and in the Report of the Punjab Administrative Reforms Commission).

2. When this Research Study was being formulated, the Government of Rajasthan and of undivided Punjab had a full-time Director for Removal of Citizens' Grievances. The post in Rajasthan was abolished on the 1st March, 1967. In Haryana State the Director of Public Relations is functioning as Director of Grievances. In the present Punjab, the Director of Grievances does not have an independent existence now; he is a part of the Civil Secretariat.

State as a whole to deal with the cases and causes of citizens' grievances;

- (ii) States which have designated officers in each Department for dealing with complaints, etc., pertaining to their own particular department;
- (iii) States which have made some *ad hoc* arrangements such as District Grievance Committees, District Grievances Officers, etc.;
- (iv) States which have specifically defined the role of Ministers in the redress of citizens' grievances; and
- (v) States which do not have any well-defined machinery or procedures for redress of citizens' grievances.

We have gone through the First Report³ on the working of the Office of the Director for Removal of Citizens' Grievances, Rajasthan. The Directorate has done some exploratory work during the short period of its existence. This Institution was started with the hope that it would be useful inasmuch as the Director of Citizens' Grievances would function on behalf of the citizens, and he would bring to bear an objective mind on the subject of the complaints. The special value of the State Director of Grievances lay in his capacity to pull his weight and authority with the departments where the grievances were justified. The A.R.C. had recommended the appointment of the Lokpal to investigate into the administrative acts of both Union and State Ministers and Secretaries to Government, and of Lokayuktas, one for the Union Government and one for each State Government to cover all officials below the Union and State Secretaries. Following this recommendation in principle, but in modification of it in certain matters of detail, the Government of India introduced a Bill in Parliament (The Lokpal and Lokayuktas' Bill 1968—Bill No. 51 of 1968) on the 9th May, 1968, to provide for the appointment of a Lokpal, who will have authority to enquire into the complaints arising out of administrative acts of Union Ministers and Secretaries and for an unspecified

3. As far as we are aware, this is the only report published on the work done by a State Director of Public Grievances.

number of Lokayuktas to investigate any action which may be taken by, or with the specific approval of, any person, other than a Minister or a Secretary, appointed to a public service or post in connection with the affairs of the Union. It is not yet clear if, whether and when, Lokayuktas will be appointed for State Governments, as recommended by the A.R.C., but it is assumed that if and when a Lokayukta is appointed for a State, he will generally perform identical functions. Be that as it may, the external administrative critic is likely to receive greater public confidence than an internal one. The post of the State Director of Grievances would then become redundant. Keeping this in view, as also the need for financial economy and the principle that the ultimate responsibility for prompt and judicious disposal of communications should be with the Departmental Head, we are not in favour of a separate institution of the State Director for Citizens' Grievances. We recommend instead that the Secretary to Government in a Secretariat Department and the Head of the Department in the Attached and Subordinate Offices should be designated as the Ex-officio Grievance Officer for that particular Department to act as "internal critic" and to perform the following functions:

- (i) To ensure prompt and judicious disposal of applications, petitions, etc., from the public;
- (ii) To ensure that the Government instructions for redress of public grievances are communicated, and carried out, properly;
- (iii) To undertake enquiries in special cases of undue delay;
- (iv) To guide the officers in the department in regard to the disposal of public complaints;
- (v) To inspect carefully the statement of pending cases and to give advice for early disposal of public complaints;
- (vi) To study causes of major grievances and take remedial measures;
- (vii) To check, at periodical intervals of six or twelve months, a small sample of the citizens' applications, petitions, etc., received in each section of

his department, with a view to ensuring that the prescribed procedures for their handling are being effectively followed; and

- (viii) To review rules, regulations and procedures in the light of their actual working and, if any of them is found to hinder quick redressal of public grievances, to suggest such modifications as he may consider necessary.

The Departmental Grievance Officer will correspond to the internal financial auditor in the field of financial administration; a prophylactic health officer constantly endeavouring to keep organizational ailments at bay; a first-aid man or a home-doctor to 'nip the evil in the bud', to control the disease in its very first nascent stage. It will be his primary duty to remove individual grievances speedily and judiciously and to avoid their recurrence by removing the causes that give rise to such grievances.⁴ None else in the Organization can be effective for a more satisfactory performance of these duties, enjoying as he does an unrivalled status and power in the administrative hierarchy. In him the public will find a strong internal supporter, the departmental officials an able patron and the Lokpal and Lokayuktas a steadfast ally. The success of the Lokpal and the Lokayuktas will be assured when the public come to expect justice from the internal critic quicker than from the external critic and when other departmental officials come to expect protection from the watchful eyes of an external critic because of the help and guidance they receive from the internal critic.

To enable the Departmental Grievance Officer to discharge his duties effectively, without detriment to his func-

4. See also the Statement of Basic Principles and Concepts (of the internal auditor) issued in 1957 by the General Accounting Office of the Department of Agriculture: "... to make independent analysis, reviews and evaluation of existing activities and procedures, to report on conditions found, and to recommend changes or other action ..." and "to help top management by reviewing and reporting on the extent and nature of internal agency compliance with its policies, plans and procedures as well as applicable legal regulatory requirements." C.A.O., Internal Audit 5, 7, 9 (1957). Quoted in Water Gellhorn, *When Americans Complain*, Harvard University Press (1966), pp. 118-19.

tions as the Departmental Head, he should be provided with the assistance (full-time, if possible and part-time otherwise) of a Departmental Deputy Grievance Officer. The Deputy Grievance Officer should be found, as far as possible, by re-allocation of work among the existing departmental officers. If that is not possible, we recommend the creation of a new post.⁵ He should work through the ex-officio Grievance Officer, that is, the Head of the Department at the appropriate level. He should be sufficiently senior so as to be able to win the respect of his colleagues in the department, and sufficiently reputed for his integrity so as to be able to gain the confidence and respect of the public. He should be of amiable disposition and of helpful attitude towards the public. The duties of this officer should be:

- (i) To receive applications, representations, petitions, etc., from citizens and government employees on behalf of the departmental Grievance Officer and to ensure adequate follow-up action till they are finally disposed of;
- (ii) To receive and screen visitors coming to see the Departmental Grievance Officer for making oral representations or for follow-up of their applications; and
- (iii) Generally, to help the Departmental Grievance Officer in the discharge of his duties detailed in the foregoing paragraph.

The Deputy Grievance Officer in each department should work with minimum possible establishment. He may have a stenographer|steno-typist who should be responsible for registration of applications, issuing out acknowledgements, bringing forward the cases on due dates and for taking down dictation from the Deputy Grievance Officer. We consider this system to be an approximation towards the officer-oriented system.

5. The creation of a new post, if unavoidable, might mean a little more expenditure, but we feel that it will ultimately prove very effective in terms of citizens' satisfaction. We agree with Kapp that "Marginal social productivity of additional investment may be greatest in the field of administrative reforms"—K. W. Kapp, "Economic Development, National Planning and Public Administration," *Kykos*, Vol. XIII, 1960, p. 200.

The arrangements suggested above should not be taken to absolve the other Departmental Officers of their primary responsibility to dispose of the citizens' applications in a prompt, fair and judicious manner. In this respect, the duties and responsibilities as well as the powers of each officer to dispose of the applications from citizens should be clearly defined or re-defined, wherever necessary. Each officer should be specifically enjoined to dispose of in Dak stage as many cases as possible, especially those of simple-routine category. That these officers discharge their normal duties and responsibilities in respect of citizens' petitions, etc., and also exercise the powers granted to them should be firmly insisted upon.

At the District Level and Below

We recommend that the District Collector|Deputy Commissioner should be designated as the **ex-officio Grievance Officer at the District level.**⁶ His functions at the District level should, *mutatis mutandis*, be the same as that of the Head of Department as **ex-officio Grievance Officer**. In addition, however, he, as the Head of the District Administration, should have the specific power to supervise and guide the work of other departments in the District in respect of redressal of citizens' grievances.

To enable the Collector to discharge his duties as District Grievance Officer, efficiently and effectively without detri-

6. It may be argued that this suggestion would add to the work-load of the already overburdened Deputy Commissioner|Collector. We have already mentioned (pages 21-22 *supra*) that the finding of the Report of the Administrative Survey of Surat District by N.B. Desai to the effect that the Collector is burdened with numerous kinds of work. Many students of District Administration also seem inclined to this view. As a way out of the difficulty, N. B. Desai's report suggests that additional officers should be attached to the District Collector to relieve him of many routine activities. Thus, the trend of opinion seems to be in favour of diversification of functions and appointment of three or four important functionaries with arrangements for coordination among them. Be that as it may, we are also suggesting a full-time Assistant District Grievance Officer to help the Collector. As such, we hope that our suggestion will not throw much additional burden on the District Collector but it will enable the Collector to pull his enormous weight and authority for expediting the disposal of citizens' applications and complaints.

ment to his other functions, which are of vital importance, he should be provided with the assistance of (a full-time officer, if possible, and part-time otherwise) another officer who should be designated as the Assistant District Grievance Officer. The full-time officer should be found by re-adjustment of work among the existing State Civil Service Officers in the District and not by creation of a new post. The officer so selected, whether full-time or part-time, should be like the Deputy Grievance Officer at the State or Head of Department level, sufficiently senior so as to be able to win the confidence and respect of the public and of suitable disposition marked by patience and helpful attitude towards the public.

The Assistant Grievance Officer should be provided with the assistance of a full-time Senior Clerk or Assistant to help him in the routine side of his work, such as registration of applications, keeping of records, putting up cases for reminder on the dates, etc. The Clerk Assistant should be found by re-adjustment of work among the existing office staff at the District level, and preferably know shorthand, and typing to take dictation from the Assistant Grievance Officer.

District Grievances Committees

A description of the District Grievances Committees set up by the Governments of Assam, Haryana, Madhya Pradesh and Punjab, has already been given in Chapter Two. As far as we have been able to ascertain, no other State Government has constituted a District Level Committee for dealing with citizens' grievances.

We have not had the opportunity to study the working of the District Grievances Committees in Assam and Madhya Pradesh, and therefore, we are not in a position to offer comments on their working. However, one of us had attended in September 1966 a meeting of the District Grievances Committees in one of the Districts of the former State of Punjab. Some of the members of the Team again attended a meeting of this Committee in another District in February, 1967. In these Committees, the cases reported as pending by the District Officers concerned are reviewed, though, as far as we could judge, in a somewhat mechanical and superficial manner. The emphasis is usually on the fact of the disposal of the case—important though it is—rather than on the consi-

deration of its merits. Moreover, some of the District Officers do not seem to attach sufficient importance to these meetings. They sometimes do not send a list of pending cases sufficiently in time for the meeting. In spite of these shortcomings, these meetings appear to serve a useful purpose inasmuch as they afford an opportunity to the District officers to review their pending cases once a month, to the District Collector to keep himself informed of the complaints and grievances of citizens in his District and to give necessary help and guidance to the officers concerned for quick disposal of pending cases. These Committees also enable the official and non-official representatives to come together and to know each others' views and difficulties.

However, in spite of these advantages, we feel diffident of recommending the Constitution of District Grievances Committees in other States. The reasons for this diffidence are: (i) our emphasis is on the 'fixation' of responsibility on individual officers for quick and speedy disposal of the citizens' applications, a responsibility, which is likely to get diluted when it is shared by the District Grievances Committee; (ii) these Committees might be used as a machinery for bringing an undue pressure to bear on government Officials from the non-official representatives. We, therefore, feel that before the District Grievances Committees are formed in any State, the working of the present District Grievances Committees in Assam, Punjab, Haryana and Madhya Pradesh needs to be studied in greater detail. In this connection, it may be relevant to draw attention to the work being done by the Citizens' Advice Bureau (C.A.B.) in New Delhi. Following the model of similar Bureaux in U.K. and keeping close liaison with them, the activities of the C.A.B. in New Delhi cover a wider field than that of help to the citizens in respect of citizens' difficulties with the administration. The Bureau aims at giving accurate information to citizens on any matter or question arising in the day to day life of an individual. A note on the aims, objects and functioning of the Bureau is given in Appendix VI.⁷

7. We are grateful to Shri D. D. Diwan, Founder-Director, C.A.B., 8-E/16, East Patel Nagar, New Delhi, for discussing the work of the C.A.B. with us and allowing us access to the C.A.B.'s records for preparation of this Note.

If the primary aim of the District Grievances Committees, wherever they have been set up, is to associate non-official element with the governmental grievance procedures, will this aim not be served better if this non-official element works through the agency of the Citizens' Advice Bureaux? Working as an ally of the citizen, and staffed by voluntary experts, they might be in a better position to help and guide him in regard to his contacts and problems with the administration. The work of the Lokpal and Lokayuktas and of administration itself will be facilitated to the extent that the Citizens' Advice Bureau can straighten out a citizen's problem with the administration. In view of the possible potentiality of the C.A.B. as a guide and helper of the citizen, it would, we feel, be worth-while to encourage the Citizens' Advice Bureaux on voluntary basis, as a supplement to or substitute for the District Grievances Committees.

PROCEDURE FOR HANDLING APPLICATIONS

General

While enunciating the general principles underlying our approach to the problem in the early part of this Chapter, we stated that it would be our endeavour not to recommend a change in the existing systems and procedures, unless we found them to be faulty and/or inadequate. However, the situation in or about which people (including government employees) write to Government are diverse, the matters on which they write are varied, the procedures prescribed by State Governments for handling them are different from each other, the manner in which they are usually handled at the State, District or lower echelons vary at different levels or in offices at the same area level. All these make it impossible for us to suggest a uniform and detailed procedure for handling applications that would hold good for all situations or subjects. Therefore, what we have suggested in the following paragraphs should be regarded as a model outline which should be modified and/or filled in detail to suit the particular needs of each office. However, the principles underlying these suggestions will remain unchanged in each case of modification. In other words, the suggestions made in this report should be taken to supersede the existing procedures

only to the extent that the former come in conflict with the latter; otherwise, they do not supplant, but supplement, the instructions contained in the present procedures, irrespective of whether they exist at the Centre, State or District level.

Registration at Dak Stage

The applications, representations, complaints, petitions, etc., received by an officer or his office, i.e., the Section, should be registered in a special Petition Register, having the following columns:

1. Serial Number of the Application.
2. Number and date of the application.
3. From whom received (with address).
4. Brief subject.
5. To whom given (including future movements).
6. Date of acknowledgment.
7. Date and nature of final disposal, e.g., filed, reply sent, etc.

The registration, instead of being done at one place in the Petitions Register, should be according to well-defined areas or categories, e.g., District-wise in the case of the State level, Tehsil- or Taluka-wise in the case of the District level, Patwari- or Kanungo- or VLW-wise and the case of Tehsil or Taluka level. A number of pages in the Petitions Register should be allotted to each area, though made distinguishable by three or four alphabetical letters representing the District (The suggestion is explained in greater detail in Appendix IV to this Report).

This system is being suggested to overcome the present difficulty whereby the cases pertaining to a particular area and still pending cannot easily be located for being handed over to the officer for on-the-spot enquiries or follow-up, when he happens to go out on tour in that area. The procedure suggested by us will have the added advantage of giving at a glance the number of applications received from each area, the nature of their problems, and whether they have been disposed of or not.

After registration, such of the applications as have not been seen by the officer concerned earlier, will be submitted to him for his perusal. Of these, as well as the applications received direct, the officer himself will dispose of as many applications as possible, while in others he will indicate the action on the part of the dealing Assistant Clerk or Superintendent Head Clerk.

Acknowledgement

All applications should invariably be acknowledged by the Section Officer Superintendent Head Clerk or the P.S./P.A. to the Minister or officer concerned, except those belonging to the following categories:

- (a) Anonymous, pseudonymous or unsigned applications;
- (b) Applications from government employees;
- (c) Inter-departmental references pertaining to the applications mentioned at (a) and (b);
- (d) Where a copy of an application has gone to the officer competent to take the decision and copies have been sent to others (including Minister) as a matter of routine; and
- (e) Where the language of an application is indecent or disrespectful or when the application is illegible or unintelligible.

Deficiencies, if any, in the application should be pointed out all in one place and not piecemeal. These should be pointed out, as far as possible, at the same time as the application is acknowledged. Instalment thinking, or thinking piecemeal about different aspects of a single matter, should be discouraged.

The following types of applications should not be entertained and the applicant should be suitably informed, preferably at the time of the acknowledgement itself:

- (i) Applications regarding matters which are pending before any Court or Tribunal, Commission of Enquiry or other similar authority;

- (ii) Applications regarding which proceedings can be taken in such Court, Tribunal or other authority, unless the administration is satisfied that the applicant could not, or cannot, for sufficient cause, have recourse to such a remedy;
- (iii) Applications in respect of which the applicant has omitted, or seems to have omitted, to approach the competent Grievance Officer at the District or Head of Department or State Secretariat level for redress of his grievances (except where there are reasonable grounds for such omission);
- (iv) Applications which have been considered and decided by the Government in the past and no new facts which merit reconsideration of the case are brought to light;
- (v) When the application is so belated that its consideration is clearly impossible or is debarred by rules;
- (vi) When the application is for employment to posts not under the administrative control of Government or to posts under the administrative control of Government not made in pursuance of any rule or announcement regarding applications for employment;
- (vii) When the application is a representation against the action of an individual or of a body of individuals regarding the private relations of the applicant and such individual or body;
- (viii) When the application is a representation against a decision which is declared to be final by any law or statutory rule; and
- (ix) When the application is against a failure of Government to exercise a discretion vested in it by law or rule.

Classification and Filing of Applications

Our data have revealed that in a large number of cases,

the disposal of applications is delayed, and the delay is almost always out of proportion to the nature of the application. That is to say, some simple-routine cases which should be disposed of in a few minutes are delayed considerably. Since the time required for disposal of each application will vary according to the nature and the kind of action required to be taken on the application, we suggest that the applications from citizens should be allotted one of the following two categories, depending upon the kind of action needed for their disposal. The applications should be finally disposed of within the time limit indicated against each category.

- (i) Category A. Simple-Routine (acknowledgement, asking or furnishing simple information, asking for or furnishing forms, or documents for public use, application of simple rules, precedents, etc.) 15 days*
- (ii) Category B. Complex (matters involving policy issues, relaxation of rules, etc.) 30 days*

(*Where other offices have to be consulted, or where report has to be called for from subordinate offices, the period for disposal of an application should be regarded as double the period indicated above).

Our study revealed an almost chaotic condition in the opening and maintenance of files, especially at the District level and below. Whereas the general principle is 'one subject—one file', we found the files opened under all kinds of confusing subjects and carrying a number that, more often than not, made no sense whatsoever. We found, for example, that a file given the subject "Compounders" and bearing no number whatsoever had been continuing in one office for the past 4 or 5 years and any application, complaint, etc., pertaining to any compounder in the district was dealt with in that file. We also found in some cases that the correspondence pertaining to an application from the public was widely interspaced by the papers pertaining to other applications. The correspondence was not placed in any logical or chronological order, with the result that it took us many hours to

locate the correspondence pertaining to a particular case. There seems to be no logical explanation for this state of affairs, though it was complained to us by some Superintendents that this was because of the general shortage of file covers, etc. It may also be that the ignorance of the office procedure in this respect and/or the incompetence of the office staff are the additional contributory factors for the files not being maintained in the prescribed manner—a reminder for more enlightened personnel policies.

To overcome the difficulty about shortage of file covers, as also to secure other procedural advantages, we suggest that **an application should be treated as a file in itself on its diary number, unless there are some compelling reasons to the contrary.** We found that this system was working satisfactorily in some of the offices visited by us. The location of an entire lot of papers pertaining to a case, all available at one place, is much more easy than when they are lying far apart from each other and one separated from the other by many other papers not relevant to that case. The system of recording applications will also obviate the need for a large number of file covers.

After disposal, the case should be placed in the area-wise bundle of disposed of cases. Applications of government employees, after disposal, may be added to their personal files; a note to that effect being made in the petition register.

'Halting' Time

Inordinately long 'halting time' of papers at various levels being one of the major causes of delay, **officers or office staff should be required to process the case as completely as possible within three clear working days of their receipt.⁸** The officer concerned should invariably seek the written permission of the next higher authority for extension of this period, stating also the reasons in brief why such an extension is considered necessary.

The maximum 'halting time' for cases which require on-the-spot enquiry should be 15 days if the enquiry is to be

8. This 3-day limit has also been suggested by the Andhra Pradesh Administrative Reforms Committee.

made at a place which is also the Headquarters of the officer or employee and 30 days for other places.

The Noting Levels

In the offices at the District level and the offices of the Heads of Departments and in the Secretariat Departments, the number of levels required to put up notes should be defined, keeping in view the following principles:

(a) In a Secretariat Office and the Office of the Head of department

- (i) Where officer-oriented system has been introduced, noting should be done by not more than two levels, including the decision-making level.
- (ii) In other offices, the noting should be at not more than three levels, including the decision-making level.

(b) At the District Level

- (i) Where an officer-oriented system has been introduced, noting should be by only one level, namely, decision-making level, but that too should be confined to the brief recording of reasons leading to the decision. Where the line of action is clear or where reasons for the decision are contained in the reply to the applicant, no noting need be done.
- (ii) In other offices, noting should be by not more than two levels, including the decision-making level.

(c) At Tehsil/Taluka and Block Levels

Since the lines between the officer-oriented system and the traditional office system tend to get blurred at these levels, since the number of noting levels in any case is not large, and since transaction of government business at these levels tends to be less formal and the personal contact between the citizens and the government employees tends to increase, the noting should be by one or two levels, but not more than two levels in any case, keeping in view the general principles mentioned for the offices at the District level. As already stated, the

transaction of government business at these levels is generally done through personal contacts and is more informal than what it is at higher area levels. In such a situation, public officials often fail to record the particular action taken by them or the reasons therefor. We regard this as a serious lapse from the norms of administrative etiquette, for it is the recorded decisions which form the life-blood of a healthy organization. At these levels, this does not generally need more than a brief comment. This applies also to a record of the meeting with non-officials at these levels. We therefore, urge that this should be done invariably.

Failure to Take Action

Our study of the way applications are handled in government offices confirmed the general complaint about the case being delayed merely because an official sat over it for an unduly long time, or because he brought in the issues which were not really relevant to the case. A bulk of the delayed cases bear witness to the infinite capacity of administration to bury the main issue under heaps of extraneous issues. To ensure prompt action, we recommend that failure to take action where action is due or taking incomplete action because of ignorance of rules or because of incomplete attention to the details of the case should be regarded as a grave dereliction of duty and dealt with as such. Further, to guard against irrelevancies clouding the main issues, attempts at tossing of papers and roping in others, where action or decision is the sole responsibility of the officer himself, should be taken serious note of and suitable action should be taken against the defaulting officer.

Forwarding of Applications

It was represented to us strongly and repeatedly, especially by the Collector and other officers at the District level, that the public are in the habit of sending copies of applications to a number of authorities at all levels, which might or might not be concerned with the subject of the application. Our data suggest that there is some truth in this representation. Even the forwarding of applications by these authorities to the officer concerned, and the applications so forwarded reaching him on different dates, takes up a great part of

the officer's time and the time of his office. If the officers at higher levels have asked the officer below for a report in the matter, the strain on him and his staff in preparing and submitting replies or reports increases manifold. The public, according to some officers, seem to entertain the impression that it is only the Ministers and the officers at the higher levels of administration who can get things done for them.'

Officers competent to take a decision often find it necessary to call for a report of the subordinate offices situated at some distance from the headquarters. These officers do not often have the facility of a typewriter and the dealing hands often have to make a copy of the application in their own hand and to forward it to the subordinate offices, asking for their report. This they do to obviate the possibility of losing the original application in case it is forwarded to the subordinate office for report and return. We are not sure how far this fear is justified, but it obviously implies a great expenditure of time and effort, which could perhaps be saved and utilised for a more fruitful activity.

We, therefore, suggest that where it is necessary for the competent officer to call for a report of the subordinate office, before giving his decision:

- (a) The application should be forwarded to him in original with a request for its return. Time and effort need not be spent in making a copy for fear of loss or misplacement of the original. However, as a safeguard against the possibility of its loss or misplacement, the gist of the application should be briefly mentioned both in the communication calling for a report and in its office copy. (See also Annexure II to Appendix IV);
- (b) Copies of applications should be made only in cases where comments of reports have to be called for from more than one officer, in which case they should be asked simultaneously for their report|comments;

9. Whether this impression is justified or not, we are not in a position to say, but the fact of this impression cannot be denied.

- (c) The maximum time-limit for receiving reports should be one month on the outer side, though a shorter period should be prescribed wherever it is considered advisable. If reply is not received within the prescribed time-limit the matter should be brought to the notice of the officer above the level of the dealing officer (in the case of sister offices) and serious note should be taken of the delay on the part of the subordinate office; and
- (d) A departmental officer going out on tour to a particular area (District, Tehsil/Taluka or Block), should take with him a list of all cases on which reports/comments asked for from the officers in the area to be visited are pending. The officer should expedite, and if possible, bring back with him, the reports/comments. The separate petitions register suggested by us should facilitate the preparation of such list without any special effort.

Delegation of Powers and Calling for Reports

Administrative organizations should function on the principle that powers of decision should be delegated to officers and they should be given the necessary trust and confidence for exercising those powers. We, therefore, suggest that in keeping with this principle, applications received by higher authorities by way of an endorsement should not be forwarded for report, or even action, where it is clear that its copy has already gone to the officer competent to take action. In other cases, the copy should simply be forwarded to such officer for necessary action under intimation to the applicant. Alongside this, it is necessary that serious view should be taken of officers who fail to exercise the delegated powers and responsibilities.

Review of Appeals

The aforesaid suggestion would imply that asking the officer to report on the complaint of the citizen, when he himself is competent to take final decisions, should be an exception rather than the rule, unless the application received by higher levels is in the nature of an appeal against the decision

of that officer. The superior officers should respect the finality of the decision at the level at which it is agreed to be final. To call for a report except in cases of appeal is a negation of the principle of delegation and a denial of finality of decision at the delegated level.

If the application received by an officer from a citizen is in the nature of an appeal against the decision of that very officer, it should be forwarded to the next higher officer competent to review the decision, unless the appellate officer has received the appeal. In such cases, the appellate officer should ask the officer appealed against for a report, along with all the relevant papers on the subject. The appellate officer should review the case separately, give his decision and communicate it to the applicant at the earliest possible. The papers should then be returned to the competent officer for record.

The appellate officers in each case need to be defined for each office.

Model Guidelines

In order to ensure prompt action without loss of time and effort on the part of the officers concerned and to simplify work methods, especially those involving repetitive action, we have drawn a set of draft instructions, as in Appendix IV, for the guidance of all dealing hands. We recommend this for adoption by the grievance machinery at all levels of Government.

Citizens too often make the work of administration difficult and contribute to delays, especially by sending frivolous or incomplete applications to a large number of levels. For their guidance, we have drawn up another set of guidelines in Appendix V. We recommend that this should be published by the Government in English, Hindi and Regional languages and distributed freely to the general public or at a nominal cost of 5 paise only. The printed pamphlet should be given maximum possible publicity and circulated through the agencies like the Public Relations Office, Panchayati Raj Bodies, Block Extension Agency, Citizens' Advice Bureaux, etc.

We referred in the early part of this study to certain theoretical concepts about the inadequacy of the principles underlying the structure of administrative organizations, to the growing dilemmas faced by the mammoth modern organizations, and to the ills and dysfunctions attributed to modern bureaucracies. We had also mentioned the possible incompatibilities between these negative aspects of organizations and the lofty ideology underlying our goal of a welfare State. These incompatibilities, in our view, create a gap between the expectations of citizens from the administration and the capacity of the administration to satisfy these expectations. The narrow sphere of our enquiry into the machinery and procedures for redress of citizens' grievances is no exception to this gap.

There is much in the empirical data given in Chapter Four to support the existence of this gap. Our data suggest three kinds of forces at work: (i) forces of alienation, that is, the forces working to widen this gap, (ii) forces of support, i.e., those working to narrow this gap, and (iii) Emerging forces which would need deeper and more detailed study for their proper understanding. We have naturally concentrated our attention on the forces that tend to aggravate the grievances of citizens against the administration, and suggested steps that would eliminate or weaken the forces of alienation. This, we hope, would enable the forces of support to come to the surface and exert themselves.

It is obvious that the work of Government needs to be strengthened from time to time. Organizations tend to become anaemic if let undisturbed over a period of time. An occasional shake-up tones and invigorates their health and vitality. At the same time, the shake-up should not make a complete break from the life-giving and life-sustaining roots. In fact, a brief survey of the existing literature on the subject made in Chapter Two would show that there is no dearth of bright ideas and valuable suggestions for meeting the shortcomings that our data have brought to light. What is needed is to put them in a simple, consolidated, and practicable form, and to see that they are **implemented in full, not a fraction less.**

Implementation and Follow-up of our Recommendations

One significant fact suggested by our data is that in many areas of procedural action, deficiencies continue to persist in spite of the specific instructions issued for avoiding those very deficiencies—as, for example, of the acknowledged applications, only about one-third are actually acknowledged. This would seem to underline the need for systematic approach to ensure: (a) more effective supervision and inspection, and (b) better implementation and evaluation of the existing or suggested procedures.

Supervision and Inspection

Our data have shown that one-half or even more (Tables 4.14 to 4.16) of the delayed cases are due to the delay on the part of subordinate offices in furnishing their reports|comments or to lack of proper follow-up on the part of the office asking for the report|comments. Delay also occurs at both higher and lower hierarchical levels of administration. All these causes of delay are, in the ultimate analysis, attributable to the laxity of the supervisory system. In this sense supervision and inspection are perhaps the most emphasised and least practised aspect of our administrative system, particularly in relation to its dealings with the citizens' applications.

Systematic supervision seems to have been allowed to go by default or indifference in the process of rapid expansion of developmental activities under government auspices. True to the saying that “a thing not inspected is the thing not done”, administration would be weak to the extent that supervision and inspection are lax.

We regard supervision and inspection primarily as a means of guiding, helping and encouraging the staff through “on-the-job” training process and not as an instrument of a punishment-oriented system. Supervision, in its true import, is that which imparts to the subordinate staff a sense of purpose and dedication to their job and motivates them to a better and higher endeavour in their job performance. In this sense supervision and inspection need to be considerably improved and strengthened. As a part of this, particular attention needs to be paid to the preparation and scrutiny of the

weekly and monthly statements of pending cases. (Annexure III to Appendix IV).

Implementation and Evaluation of the Recommendations

As already stated, our suggestions are not entirely new. In fact, some of them have been laid down as official instructions many a time in the past; but they failed to produce worthwhile results because they were honoured more in breach than in observance.

If the experience of the past has any relevance for the future, it is that our recommendations should be regarded as the **first**, and not the last, step in the process of streamlining the administrative machinery and procedures for speedy handling of citizens' applications. Many a priceless measure for administrative reforms proves abortive because of the slackness in its implementation.¹⁰ This implies that the implementation of the procedure to be prescribed will need to be closely followed up. An evaluation of the new procedure and the comparison of performance under it with that under the old procedure will provide a very valuable index of its effectiveness. It will also bring to light the weak spots needing corrective action.

The schedule adopted for our study (see Appendix II) will, we believe, prove of great help in undertaking the kind of evaluation suggested by us. However, until such time as the staff within the organization are enabled to undertake an independent evaluation, the evaluation should be undertaken with the help and under the guidance of only such individuals

10. See, for example, Walter Gellhorn. "The wrecks of earnest reforms lie all about us. They remind that accomplishment may not soar as high as hope. Democratic difficulties and administrative aberrations have survived many vigorous attacks." Walter Gellhorn. *When Americans Complain*, Harvard University Press, 1966, p. 231.

Also, K. Hanumanthaiya, "Our bureaucracy has a capacity to virtually set at nought recommendations of any administrative reforms body, no matter how august it may be". *The Hindustan Times* (Delhi Edition), November 21, 1967 (9:8). Also H. R. Makhija: "... at the stage of implementation the (reforms) measure gets diluted with irresolution and infirmity of purpose." H. R. Makhija. "Obstacles to Administrative Reforms". *Public Administration*, Kanpur, January, 1968, pp. 31-32.

or organizations that have the necessary know-how of the needed techniques.

Cost and Benefit of our Recommendations

In non-commercial organizations, such as government offices, it is not easily possible to measure work-productivity in terms of money. All that we can possibly do under this head is no more than a rough and ready guess in very general terms. Our suggestions that might involve additional expenditure to Government are very few indeed; in fact, there is only one such major suggestion—for appointment of a full-time Deputy Grievance Officer in a Secretariat Department/Office of the Head of Department/Collectorate, though we envisage that efforts will be made by re-allocation of work among the existing officers. As such, our suggestion will not cost any significant amount of money, or at the most, they will cost each department the pay of only one extra officer. The pay of such an officer will be more than made up by staff reduction, which will, we hope, be made possible through simplified procedures and faster pace of work.

SUMMARY

The search-light of our enquiry, covering four States and extending to various area levels, has brought out a number of significant facts, side by side with some bright spots. It brings out a number of weaknesses in the present machinery and procedures for redress of citizens' grievances. It reveals, for example, that about one-fourth of the applications received in Government offices are channelized through Ministers and Legislators; that a large number of citizens' applications are not acknowledged; that only one-fourth of the applications are disposed of in time and the remaining three-fourths are delayed, and that delays occur both at the lower hierarchical levels and at higher ones as also in receiving replies or reports from attached, subordinate and field offices. Our study finally makes a comprehensive set of inter-related recommendations" for strengthening the existing machinery and procedures for handling citizens' applications.

11. Our findings and recommendations are summarised in Appendix IX.

Our recommendations do not represent a break from the existing procedures: in fact, most of them are already in existence in the form of suggestions or in varying stages of development or implementation in one or the other isolated, far-flung pocket of the vast administrative machinery in various States. We have ventured to spotlight such of the practices and recommend them for consideration and adoption on a larger scale as are likely to remove the shortcomings revealed by our data. That a particular practice recommended by us has not been able to make a significant impact in the areas where it was prescribed does not, in our view, detract from its inherent and potential usefulness; for, as we have seen, many other intangible elements may be at work in the bureaucratic milieu which may nullify the impact of that particular recommendation. While we have suggested some further studies, for identifying these imponderables, we feel optimistic, within the limits of results yielded by our data, about the effectiveness of our recommendations in the structural framework suggested by us.

The cost and benefit likely to accrue as mentioned earlier pale into insignificance in the face of the far more large—in fact, over-riding—benefit we aim at. It is the achievement of citizens' satisfaction.

CHAPTER SIX

Setting The Stage For Lokpal¹

The problem of citizens' grievances has to be seen from three angles: that of the citizens, the administration and the Lokpal. Only then can the problem be seen in its proper perspective. It would be futile to expect success by concentrating only on one aspect of the problem.

We may illustrate this point by a few examples. When citizens make requests which are non-genuine, or which are submitted in the wrong way, they are in reality hindering the efficient functioning of the administration. Similarly, when the administration delays action, or is unresponsive, in a myriad ways, to the applications of citizens, they are, in fact, creating difficulties both for the citizens and the Lokpal. Similarly, when the Lokpal rubs administration on the wrong side, he is, in effect, creating fear and alienation instead of loyalty and support of officers. Therefore, fruitful results will be achieved only when all these aspects receive proper attention in such a manner as to form an integrated whole.

We have already had some idea (Chapter Four) about the relative strengths and weaknesses of the present administrative machinery and procedures for redress of citizens' grievances. We have also formed certain proposals (Chapter Five) for their modification to suit the new context created by the proposed institution of Lokpal. The outlines of the Lokpal's machinery and procedures have not yet been drawn, except to the small extent that they are indicated in the recent Lokpal and Lokayukta's Bill, 1968 (No. 51 of 1968). Not only is it important that the outlines should be drawn with sufficient detail and clarity, but also, that they

1. The Lokpal in this Chapter should be taken to include Lokayuktas also. The Lokpal corresponds to Ombudsmen or similar institutions in other countries.

fit in properly with the procedures of the administrative offices. An attempt is made in this Chapter to recapitulate the main contours we have already drawn in regard to the institution and working of the Lokpal, and to correlate all these together, so as to achieve an integrated picture of the machinery and procedures for securing maximum possible satisfaction of the citizens.

THE PRINCIPLES OF GRIEVANCE PROCEDURE

From the Administration's Point of View

A good grievance procedure should start from the citizens themselves. Citizens can do much to help or hinder the working of the administrative system. A citizen's application is often the starting point of the grievance procedure. The quality of a citizen's application can have a great bearing on how the procedure works. From the administration's point of view, a perfect application is one which is legible, complete and yet concise; which contains good arguments but avoids harsh words; which states precisely what is needed or requested; and which is addressed, in the first instance, to the officer immediately concerned and competent to take a decision.

When a citizen makes an application which is frivolous, incomplete, vague or illegible, or when he fails to indicate precisely the nature of his need or request, he is creating the impression of not being serious, a fact which is bound to be reflected in the attitude of officers towards his application. Many an officer is rendered helpless simply because a citizen forgets to mention his name or address in his application. When a citizen submits, even his first application to a higher authority ignoring the authority concerned at the lower level, who has actually to decide the matter or deliver the goods, he is, in effect, prolonging the channels of communication or causing confusion that makes for delays.

A proper grievance procedure must start with the provision of, and publicity for, the guidelines to the citizens for making applications to Government.² This will help the

2. Please see the Model Guidelines suggested by us in Appendix V.

citizens to make their applications in the right manner and the officers to deal with them in a more effective and expeditious way. A standardised procedure for submission of applications will also add to the security of officers in the face of the Lokpal; many a citizen's grievance may prove to be traceable to a defective application rather than to its inadequate handling on the part of the officers concerned.

From the Citizen's Point of View

From the citizen's point of view, the grievance procedures should ensure that his application is acknowledged³ quickly, dealt with sympathetically and decided without any avoidable delay. Administrative silence irks him; so he expects that, if a decision is likely to take some time, he is informed periodically about the interim position of his case.⁴ This is all the more necessary when he reminds the administration; for an average citizen would rather give up than persist in a one-way traffic of communication with the administration. Finally, the grievance procedure should ensure that the decision is invariably conveyed to the applicant soon after it is taken.⁵ A decision should not be withheld simply because the request cannot be granted or because the decision is in the negative; on the contrary, a negative decision should convey to the applicant, as far as possible, the reasons why it has to be in the negative.⁶ Many a citizen may decide to approach the Lokpal simply because the administration had failed to take him into confidence in regard to the reasons for rejection of his application. On the other hand, a word of explanation given courteously and sympathetically is bound to take the sting out of a negative decision and win over the understanding of the applicant concerned. The matter will, in a large number of cases, come to an end at this stage, without disturbing the Lokpal. It is to be remembered that the Lokpal will function best when he receives the least number of complaints.

3. All these requirements are provided for in the "Guidelines for Handling Applications" suggested by us in Appendix IV.

4. Ibid.

5. Ibid.

6. Ibid.

From the Lokpal's Point of View

Citizens' grievances inevitably are the offshoot of the administrative malaise, which, in turn, is ultimately traceable to delays and poor communication in the handling of citizens' applications. If delays could somehow be eliminated from the administrative scene, a large base for *mala fide* actions, wherever they are believed to exist, will be removed. From the Lokpal's point of view, therefore, an ideal grievance procedure will be that which ensures the quickest possible decision on the citizen's application, taken in accordance with the principles of equity and fairness.

This is also the goal desired by the citizens but there is one very important difference: an average citizen is generally not concerned with the process through which this goal is achieved; but the Lokpal is. The grievance procedure must, therefore, provide for identification and plugging of all the holes through which delay manages to creep into the administrative system.

An ideal grievance procedure must ensure proper registration, custody and follow-up of the citizens' applications; it must provide that the maximum number possible of the applications is disposed of at the dak stage itself; that for others the number of noting levels and the halting time of papers at each level are kept to the minimum; that responsibilities of each officer in the grievance-handling process are clearly defined; that positive steps are taken to forestall the tendency towards inaction, or needless tossing of papers or bringing in irrelevant issues; that clear-cut guidelines are laid down for calling reports or comments of subordinate officers and for dealing with copies of applications received simultaneously by various hierarchical levels; that review of appeals follows an efficient and uniform pattern; and, finally, that there is a high level authority to act as 'internal' administrative critic and to ensure proper compliance of the prescribed procedures.⁷

The grievance procedures should be so designed as to indicate clearly the duties and responsibilities of individual officers in regard to the disposal of citizens' applications.

7. All these attributes of a good grievance procedure are provided in our recommendations (Summary given in Appendix IX) and the Guidelines for Handling Applications (Appendix IV).

Just as the Lokpal and Lokayuktas Bill provides for the types of cases that may not, or shall not, be investigated by the Lokpal, so also should the official grievance procedure specify the types of cases that should not be entertained by officers.⁸ The lists of non-jurisdictional cases for Lokpal and for officers may not be entirely similar; in certain cases what does not fall within the purview of the Lokpal may, in fact, fall within the purview of the administrative officials. Sifting of applications in government offices will be facilitated if the types of cases falling outside the jurisdiction of Government are defined and made known to all concerned. In the absence of a clear list of non-jurisdictional cases, government officers may frequently find themselves in regions of doubts and hesitancy. The presence of such a list, on the other hand, would enable the government officers to dispose of the non-jurisdictional applications by sending a suitable reply to that effect even in dak stage; and to concentrate their time and energy on dealing with jurisdictional ones.

Empirical evidence leads one to believe that more grievances arise from official inaction than from action; and the most ominous form of inaction is delay in disposing of citizens' applications. Under the seemingly innocent plea of consideration being bestowed on a case or others being consulted, cases often hang on for a length of time which cannot be justified on any account. While the case rests in official cold-storage, or moves at its leisurely ponderous pace, the citizen remains in a state of suspense, or anticipation, which may never be fulfilled. Sometimes, the occasion which prompted the application may be irretrievably lost before a decision is taken. To guard against such insidious delays, the Bill⁹ brings "failure to act" within the purview of the Lokpal, and this would seem to include delay. But delay is a relative term; it may mean different periods of time to different people. To avoid future difficulties, it is imperative that the grievance procedure should define what constitutes delay, and also specify the time-limits within which various types of

8. The grievance procedure suggested by us provides for such a list, vide pages 131-32 *supra*.

9. The Lokpal and Lokayuktas Bill, 1968 (Bill No. 51 of 1968), Clause 1(2)(a) (referred to hereafter as the Lokpal Bill).

applications should be disposed of.¹⁰

Finally, there should be a perfect synthesis of grievance procedures adopted in the administrative offices and the offices of the Lokpal. The basic theme running throughout this study is that reasonably efficient administration is a *sine qua non* for the successful functioning of the Ombudsman type of institution in any country; it is much more so in a country having the size and population of India. As pointed out by the Administrative Reforms Commission, the Lokpal and Lokayuktas provide **not the initial** but the ultimate set-up for such redress as has not been available through the normal departmental or governmental machinery.¹¹

It postulates, as a corollary, that the "Administration itself must play the major role in reducing the area of grievances and providing remedies wherever necessary and feasible."¹² This is necessary to ensure that "a large number of cases which arise at lower levels of administration should, in fact, adequately be dealt with by this in-built departmental machinery."¹³ Our suggestions, arising, as they are, from the structural and procedural weaknesses, as revealed by our research-data, are designed to achieve this paramount objective. They are simple, easy to operate, and smoothly reconcilable with procedures of work envisaged for the Lokpal.

Mutual conformity of grievance machinery and procedures in administrative offices and in the offices of the Lokpal, holds the key to the success of the system. We have already drawn in sufficient details the outlines of the former; we draw the outlines of the latter in the following pages.

THE OFFICE OF THE LOKPAL

Basic Considerations

The Lokpal and Lokayuktas Bill 1968 provides that "the Lokpal may appoint, or authorise a Lokayukta or any officer subordinate to the Lokpal or a Lokayukta to appoint in his

10. This is provided for in our suggestion vide page 133 supra.

11. Administrative Reforms Commission, *Interim Report on Problems of Citizens' Grievances* (1966), pp. 12-13.

12. *Ibid.*, p. 13.

13. *Ibid.*

office such officers and other employees as are considered necessary.¹⁴

The organisational set-up of the Lokpal's offices depends upon the number and nature of complaints received by them. These, in turn, depend upon the country's population, the extent of its literacy, the level of the citizens' expectation from the Government, the extent to which the citizens are prepared to put up with administrative lapses, the efficiency of the country's administrative system, and the complainable items included in the Lokpal's jurisdiction. These factors vary from country to country, and hence, the experience¹⁵ of comparable institutions in other countries may not be of much help, except for drawing certain very broad generalizations to estimate the number of complaints likely to be received in the Lokpal's office or the number of staff that they should have.

The Experience of Other Countries

The office of the Parliamentary Commissioner in New Zealand (population 2.4 million) which opened with a staff of two (an Administrative Officer and a Secretary-Typist) had by the end of the year added to it a legal officer (a fully qualified lawyer with experience in public administration), an investigating officer and a typist. Even then, the personnel were found to be "hardly sufficient to handle the work with the result that the investigation of some complaints takes longer than it should."¹⁶

The New Zealand's experience also indicates that complaints did not come at a uniform pace: the rate was comparatively slow in the beginning and "by the end of the year complaints were coming in at a greater rate than at the beginning."¹⁷

14. Clause 13 of the Lokpal Bill.

15. The Annual Reports of Ombudsmen in other countries generally contain the number of complaints received in their office, the number declined for want of jurisdiction or for other reason, the number taken up for investigation, the number found to lack justification, the number decided and the number still under investigation.

16. & 17. See Sir Guy Powles, "The Citizens' Right Against the Modern State And its Responsibilities to Him," *The New Zealand Journal of Public Administration*, Vol. 26, No. 2, March, 1964, p. 21.

The experience of the Ombudsman in Denmark¹⁸ (Population 4.6 million) also shows that the number of complaints received increases as the knowledge of the institution spreads. Between April and December, 1955, the Danish Ombudsman received 585 complaints and dealt with 315; in 1956 he received 869 complaints and dealt with 432; in 1957 he received 1,029 complaints and dealt with 384 and in 1958 he received 1,101 complaints and dealt with 300. As against this, the Danish Ombudsman, six years after he started work, had a staff of about ten.

In England¹⁹ (population 53 million) during the first year of his working (period April 1 to October 31, 1967), the Parliamentary Commissioner received a total of 816 complaints, of which 405 were found to be outside his jurisdiction, 86 without sufficient justification; 125 were actually investigated, 170 were under investigation and 30 were newly received under test for justification. As against this, the Parliamentary Commissioner had a staff of about 59 at the end of December, 1967, including a Secretary, two Directors and an Establishment Officer.

The Experience in India

Neither India nor any other country in this part of the globe has had any experience so far of the working of Ombudsman type of institution. India has, therefore, to find its own path in this field, unaided by the guiding hand of experience. It might, however, be of some relevance here to refer to the experience of a few offices set up under governmental auspices for removal of public grievances.

The Director for Removal of Public Grievances, Rajasthan, received in 1964-65, 2,544 complaints of which 1956 complaints were from government servants and 588 complaints

18. The figures regarding the Danish Ombudsman have been taken from T.S. Utley, *Occasion for Ombudsman*, Christopher Johnson, London, 1961, p. 13.

19. The figures regarding the Parliamentary Commissioner in England have been taken from his First Report to Parliament. Her Majesty's Stationery Office, London, First Report of the Parliamentary Commissioner for Administration (Session 1967-68).

The information about details of the staff was obtained through the courtesy of the British Information Service in India.

from the public.²⁰ The cases of government servants being excluded from the Lokpal's purview, one may feel tempted to assume that the Lokpal may expect to receive about 600 complaints in a year from a State like Rajasthan (population 20 million). On that basis, one may also feel tempted to work out from this the total number of complaints likely to be received by the Lokpal. The estimates, we fear, may prove to be extremely off the mark, for the institution of the Director of Public Grievances may not have been as well known to the public as the institution of the Lokpal is likely to be, or the public may not have had as much trust and confidence in the institution of the Directorate for Removal of Public Grievances—that being a part of the governmental machinery—as the institution of the Lokpal is likely to have.

The figures of complaints at the Centre, in so far as they are relevant to the issue, are also not of much help. For fourteen months from February, 1966, to March, 1967, the Commissioner for Public Grievances in the Government of India received a total of 1,420 complaints.²¹ The complaints of government servants are not included in it; they were outside the province of the Commissioner. As against this, the Complaints Officers in the various Ministries and Departments of the Government of India received a total of 68,440 complaints.²² The former figure is far too low as compared with the latter figure. Neither of them can serve as a guide to forming an approximate idea of the complaints likely to be received in the office of the Indian Ombudsmen. The number of complaints received in the Office of the Commissioner for Public Grievances may be much too low for the reason that the public, by and large, was not aware of the existence of this office. The number of complaints received in various Ministries and Departments, on the contrary, appears to be much too high and the reason for this may be that many of the complaints that are outside jurisdiction of the Lokpal are possibly included in this number.

20. Government of Rajasthan, Department for Removal of Public Grievances, Rajasthan, **First Annual Report**, 1964-65, p. 6.

21. These figures are taken from the **Annual Report** of the Ministry of Home Affairs for 1966-67, p. 107.

22. *Ibid.*

THE ORGANIZATIONAL SET-UP

Guidelines for the Organizational Set-up

Since it is impossible to form a realistic idea about the number and nature of complaints likely to be received in the office of the Lokpal, one can at best hope to have a pragmatic approach to determining the size of his office. One should think that initially, for a few years to come, the number of complaints submitted to the Lokpal would register a steady increase, after which it would stabilise itself at a certain level. One should also think that in these years, the public gaze on the working of the Lokpal would be all the more keen for watching this comparatively new but vital experiment. Public confidence in the efficacy of the Lokpal cannot just be taken for granted. In fact, the public cynicism, such as it exists today, will be strengthened or alleviated to the extent that the Lokpal can discharge his primary function of removing public grievances effectively and speedily.

It follows, then, that the investigation of complaints should not be allowed to suffer because of the inadequacy of the staff in the Lokpal's office. It would be better instead to decide in favour of a fairly adequate organization, though all the posts need not be filled up right from the start. A beginning may be made with a nucleus staff; the other posts may be held in abeyance and even the persons for manning these posts may be selected and kept on the waiting list. This will enable the Lokpal to reinforce the strength of his office as soon as the need is felt for it. In course of time the volume of work in his office is likely to stabilize itself, when it should be possible to evolve some scientific norms of work-performance. It should be possible then for the Lokpal to review the strength of his office every five years; preferably at the time when the new Lokpal enters upon the duties of his office.

The institution of the Lokpal is being started with very high hopes. To allow these hopes to suffer merely for saving the expenditure on a few posts will, in our view, be a very poor economy. For the same reason, efforts should be made to attract the best possible talent and experience for work in the Lokpal's office even if the price to be paid is somewhat on the higher side.

The Secretariat

We suggest that the secretariat of the Lokpal should be headed by a Secretary, who should be of the rank of Additional Secretary to Government. This is the minimum status necessary for enabling him to deal on adequate footing with the suggested high-level ex-officio Grievance Officers in the administrative departments. The Secretary should not have the traditional hierarchy of secretariat officers, the designation and functions of the officers should be task-oriented and they should work on the basis of the "officer-oriented" system.

The Secretary, we suggest, should be common to the Lokpal and the Lokayuktas. He should act as the administrative head of all the officers working under any of them. He should be assisted by two officers of the rank of Joint Secretary; one each for the Lokayukta (Mal-administration) and the Lokayukta (Corruption). The Joint Secretary should be the head of the respective wing under his charge; he should be authorised and required on the one hand, to submit cases direct to his Lokayukta and, on the other, to deal directly with the grievance officers in administrative department. The idea is that the Joint Secretary and the Lokayukta, between themselves, should be able to settle a large majority of the complaints received by them.

Each Joint Secretary should be supported by a number of Directors as required by the work situation. A Deputy Director or Senior Analyst, supported by a Research Assistant, should comprise the "cell" of each Director. The Director and the Deputy Director or Senior Analyst should be expected to deal directly with the Grievance Officers in the administrative departments and to dispose of a large majority of cases at their own level. The nature of work of these Directors and Deputy Directors will require that they have knowledge and experience, not so much of law, as of the working of Government offices,²³ supplemented, in addition, with proficiency in the theory of Public Administration.

23. In recruiting his staff, mostly from the executive class of the Civil Service, he (the U.K. Parliamentary Commission for Administration) said he had been looking for people "not so much with the knowledge of the law as with the workings of White Hall and St. Andrews House." *The London Times*, April 18, 1967.

One section, under the charge of an Administrative Officer, and supported by the needed staff, should suffice for the entire office of the Lokpal. This section should deal with the establishment and house-keeping functions and be responsible for maintenance of records, putting up of papers and references (without noting) and for other incidental functions.

The Jurisdictional Cell

Experience of other countries has shown that a large number of complaints made to Ombudsmen relate to matters which fall outside their jurisdiction. The Lokpal and Lokayuktas Bill, 1968 also provides for a list of matters which shall not be investigated by them.²⁴ The Bill further provides that in certain other type of cases "the Lokpal or Lokayukta may, in his discretion, refuse to investigate or cease to investigate any complaint. . . ."²⁵ The number and variety of cases to be rejected by the Lokpal or Lokayuktas either for want of jurisdiction or because they are not worth entertaining are bound to be so large that uniformity of treatment would be a real big problem indeed. Life presents an endless panorama of events and situations, and the lines that divide the jurisdictional from the non-jurisdictional will often be found to be too thin and blurred.

In order to ensure uniformity of treatment, in deciding the admissibility of complaints submitted to the Lokpal, a Director for Legal matters, as an in-built unit of his office, appears to us to be of utmost importance. The Director for Legal Matters should have adequate qualifications and experience of work in a State judicial service or legal department or he should have adequate experience in legal affairs or he should have been a qualified legal practitioner of adequate standing. As his functions would be advisory in nature, no supporting staff except that for stenographic assistance appears to be necessary for him.

24. Clause 8 of the Lokpal Bill.

25. Clause 10, *ibid.*

The Director for Grievance Procedures

Our study has revealed that the problem of citizens' grievances vis-a-vis the administration is not so much of wrong decision as it is of administrative delays and official unresponsiveness. This conclusion is confirmed by the experience of the short-lived office of the Director for Removal of Public Grievances, Rajasthan,²⁶ and the Commissioner for Public Grievances, Government of India.²⁷ We, therefore, expect that a large majority of the citizens' complaints to the Lokpal would relate to the delays in decisions on their applications to the government offices.²⁸

The Director for Grievance Procedures, as an integral part of the organisational set-up of the Lokpal's office, should be responsible for procedural analysis of the applications as handled in administrative offices. It should also be his job to determine, through an analysis of the applications received in the offices of the Lokpal, how far Government offices are prompt or slow in the disposal of applications from the public, and also, how far the procedures prescribed by Government for handling of citizens' applications are adequate and are, in fact, being followed.²⁹

From such a review, the Director for Grievance Procedures should draw up a general picture of the comparative strength and weaknesses of the grievance system in various administrative offices, and focus the search-light on such areas as appear to him to be particularly weak. He would also analyse the working of the rules, regulations and procedures in administrative offices and suggest remedial measures. If any of them is found to hinder quick redressal of citizens' grievances, the Director should try particularly to find out

26. Government of Rajasthan, Directorate for Removal of Public Grievances, First Annual Report, 1964-65.

27. Annual Report of the Commissioner for Public Grievances, Government of India, as reported briefly in the Hindustan Times dated the 31st October, 1966 (6:7, 8).

28. The Lokpal and Lokayuktas Bill 1968 (Clause 2) provides that "action includes failure to act." As such the delays are very much within the jurisdiction of the Indian Ombudsmen.

29. Our study has revealed that delays are due not so much to defective procedures as to lack of adherence to the prescribed procedures.

through detailed administrative analysis whether a particular flaw or shortcoming is attributable to the failure of individual human elements or the failure of a system.³⁰ Attention to the latter seems to be of great importance, for only through an improvement of the systems and strengthening of weak points can the Lokpal hope to reduce the areas which give rise to citizens' grievances.³¹

If standards of efficiency of the services are as high as they are often claimed to be, the analysis of grievance procedures will confirm them and help to remove the unfavourable impression that unfortunately seems to exist, an impression which is, to some extent, corroborated by our study. If, on the other hand, such an analysis leads to an opposite conclusion, it will become easier for the Lokpal to suggest corrective measures which are bound to tone up the weak parts of the administrative machinery.

The Lokpal and Lokayuktas Bill 1968 provides that the Lokpal shall present annually a consolidated report on the performance of their functions to the President.³² We feel that the administrative analysis based on the empirical facts collected by the Director of Grievance Procedures will make an interesting and useful part of this Annual Report.

The detailed aspects of the Grievance Procedures which should be covered by the proposed administrative analysis are enumerated in Appendix VII.

Even though we have recommended such an analysis on the part of the Grievance Officer in respect of the administrative department/office under his control, this does not obviate the need for such an analysis in the office of the Lokpal. The former constitutes an internal audit and the latter an external

30. We hope that the schedule designed by us for our study and given in Appendix II will prove of some help for such an analysis.

31. Clause 12(1) of the Lokpal Bill empowers the Lokpal or the Lokayukta to recommend to the authorities concerned that the injustice caused to a citizen should be remedied in such manner and within such time as may be specified by him. The "manner" in this clause, includes, we presume, the suggestions for improvement of administrative procedures.

32. Clause 12(6) of the Lokpal Bill.

audit. The two are complementary to each other. The administrative analysis in the Lokpal's office will have special value in that it will be characterised by an over-all vision, objectivity and uninhibited freedom of expression.

The status of the Director for Grievance Procedures should be equivalent to that of the Director for Legal matters. He should possess a good academic background of Public Administration, should have an adequate insight into the work and procedures of government offices and should have good knowledge of research techniques, especially in the field of citizens' grievances. The Director should be supported initially by a Research staff, comprising two Deputy Directors and two Research Assistants.

Specialists for Technical Matters

The Lokpal will often need to have the advice of technical specialists when he receives a complaint containing allegations of dishonesty, corruption, undue favouritism or injustice on the part of a government official in technical matters, let us say, the one relating to acceptance of substandards stores or works. The investigation of such complaints will necessitate inspection of many a technical aspect for which the necessary technical skill and knowledge are not likely to be available in the office of the Lokpal. The introduction of technical specialists in his office will not, in our opinion, be a practical proposition in view of the very large, and growing number of specialities in our present day complex and technical society. The more appropriate course for the Lokpal in the matter of obtaining technical advice will be to utilise the services of "any officer or investigating agency of the Central Government or of any other person or agency. . ."³³

The organizational set-up of the office of the Lokpal as suggested by us is summed up on the chart on the opposite page 161, while its financial implications are indicated in Appendix VIII. As against a non-recurring expenditure of Rs. 9 lakhs a year estimated for the new institutions,³⁴ the expenditure in the offices of the Lokpal on the basis of our suggestions is estimated initially at Rs. 8 lakhs. The balance of one

33. As provided in Clause 13(3) of the Lokpal Bill.

34. See Financial Memorandum attached to the Lokpal Bill.

lakh of rupees will thus be available for expenditure on contingencies, T.A. and D.A.

PROCEDURES FOR HANDLING COMPLAINTS

We have discussed earlier the distinctive features of an ideal grievance procedure in government offices from the point of view of (i) the administration, (ii) the citizens, and (iii) the Lokpal. The procedure which we have suggested for handling applications, representations, petitions, etc., received in Government Offices (Appendix II) is designed to answer up to these features. It has the added advantage of bringing a measure of uniformity in place of the varying procedures that are in vogue at present in different administrative offices.

The procedures for handling applications in the offices of the Lokpal should correspond to these procedures. This is necessary not only because the grievance procedures suggested by us for government offices are straight and simple but also because they will be conducive to quick and efficient work in the office of the Lokpal and Lokayukta no less than in government offices. These procedures should, at the same time, be such as fit in with the provisions of the Lokpal and Lokayuktas' Bill, 1968.

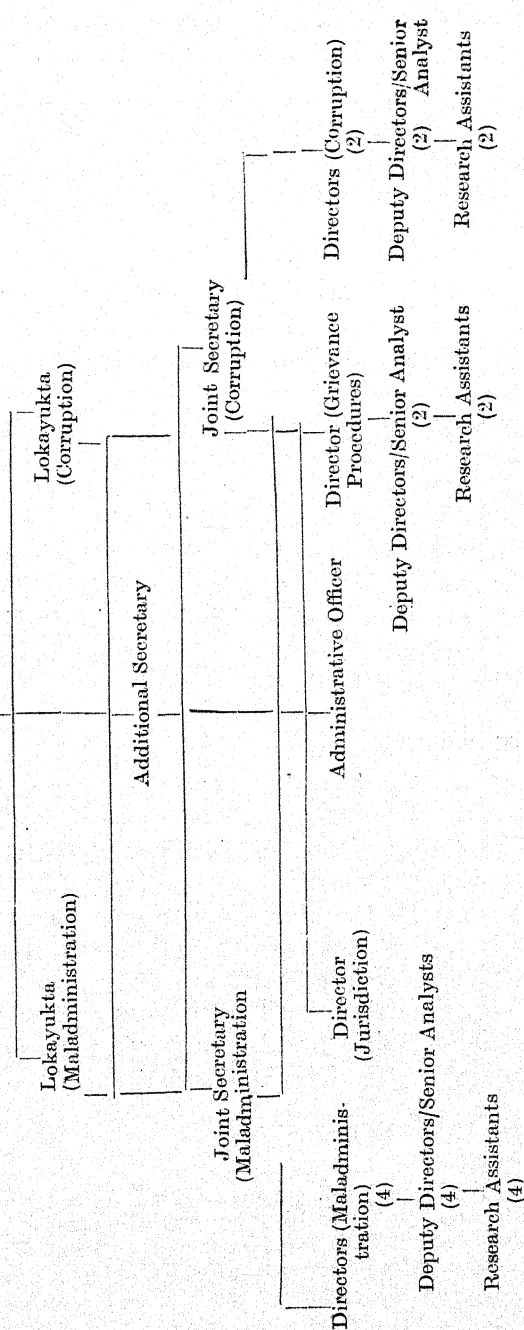
The Preliminaries

The preliminary steps in the handling of a complaint in Lokpal's office are: (i) registration, (ii) acknowledgement, and (iii) determination of its admissibility. The registration should be done at one central place, the Central Registry, under the charge of the Administrative Officer. The Complaints Register should generally have the same columns and pattern as suggested by us for Petition Register in Government Offices.³⁵

Simultaneously with the Registration, the complaint should be acknowledged by the Administrative Officer. The format of the acknowledgement also should be on the lines suggested by us for Government offices. The acknowledgement

35. See p. 130 *supra*.

LOKPAL



- N.B. 1. Director to correspond directly with the Departmental Grievance Officers in matters such as calling for papers, facts, comments, or requests for expediting action.
2. J.S. in Ombudsmen's office to correspond with the Departmental Grievance Officer where the Director has failed to obtain redress.
3. The Director's scale may be Rs. 1300—60—1600—100—1800.
4. The Deputy Director's scale may be Rs. 900—50—1250, and Senior Analyst's Rs. 700—1250.

must be the exclusive responsibility of the Administrative Officer, and he must ensure its fulfilment meticulously.

Soon after registration and acknowledgement, the Administrative Officer should pass on the complaint to the Director (Jurisdiction) for his advice whether the Lokpal has jurisdiction to deal with it and also whether it deserves to be investigated. The extent to which power can be vested in the Director (Jurisdiction) for deciding the admissibility of a complaint will probably be determined by the Lokpal,³⁶ but it is important that the jurisdiction and admissibility of a complaint should be finally decided at this very stage. It follows that in doubtful cases, or in cases which fall outside his power, the Director (Jurisdiction) will take the orders of the appropriate higher authorities. In case the complaint is decided as non-jurisdictional or inadmissible, the Director (Jurisdiction) should send a suitable reply to the complainant and return the complaint to the Administrative Officer for record. In other cases also, the Director (Jurisdiction) should return the complaint to the Administrative Officer, who, after noting its further 'movement', should pass it on to the appropriate Director for further processing.

Processing the Complaints

The Bill empowers the Lokpal to prescribe such procedure for conducting an investigation as he considers appropriate in the circumstances of the case.³⁷ The central point of this procedure is that the Lokpal (or his office)³⁸ shall forward a copy of the complaint to the public servant concerned and the competent authority concerned; and afford to the former an opportunity to offer his comments on such a complaint.³⁹ The Lokpal's Office would possibly have received only one copy of the complaint, which may often be quite lengthy. As alternative to the laborious and time-consuming

36. Under clause 18 of the Lokpal Bill.

37. *Ibid.*, Clause 10.

38. Clause 18 of the Lokpal Bill empowers the Lokpal to delegate some of his powers and duties to his officers and employees. In context like this, the Lokpal should be taken to mean their officers and employees also. As such, most of such action, we presume, will be taken by the officer in the office of the Lokpal.

39. Clauses 10 of the Lokpal Bill.

process of having copies typed, the system of preparing photostat copies in the office of the Lokpal deserves consideration.

While asking the comments of the concerned officer, the Lokpal should also specify such time limit as he deems appropriate for receipt of such comments. He would be helped greatly in setting **realistic** time-limits, if the administrative offices have themselves prescribed the time-limits for different types of cases, as suggested by us. The Lokpal must guard himself against unrealistic time-limits, for, they are bound to be flouted, and once this happens, the Lokpal's authority may suffer a set-back. Time-limits should also be set for officers in the Lokpal's Office.

While asking the officer concerned for his comments, the Lokpal should, as far as possible, specify the point or points on which such comments are required. The points to be specified will largely depend on the nature of the complaint, but they will generally relate to: (i) comments on the facts of the case, (ii) comments on the reasons for delay (if the complaint is about delay), and (iii) comments on the action or decision complained against (if the complaint is against an administrative action or decision).

We suggest that the comments of the concerned officer should be channelled to the Office of the Lokpal through the competent authority, unless that officer himself prefers to send his comments direct to the Lokpal. The latter course shall not in any way impair the functions of the competent authority, because, as already stated, it will be obligatory for the Lokpal to forward a copy of the complaint to him. This will enable the competent authority either to take action to redress the grievance even at that stage, or, if he so desires, to add his own comments for consideration of the Lokpal. It shall be for the Lokpal to reconcile the inconsistency, if any, between the comments of the concerned officer and the competent authority.

Action on receipt of Administration's comments

The powers of the Lokpal for investigating complaints and to summon witnesses are provided in the Bill itself.⁴⁰ If,

40. Clauses 10 and 11 of the Lokpal Bill.

after investigation, the Lokpal is satisfied that the cause for grievance did not really exist, he will inform the complainant accordingly as also the public servant and the competent authority concerned. If, on the other hand, he considers that an injustice has been done and that the cause for grievance does really exist, he shall "by a report in writing, recommend to the public servant and the competent authority concerned that such injustice shall be remedied in such manner and within such time as may be specified."⁴¹ The manner in which Administration will examine and take action on the report is specified in the Bill; and so is the manner in which the Lokpal will present his annual and special reports, if any, to the President. The procedure, in our view, is sufficiently detailed and needs no further elaboration.

Filing of Complaints

Both at the *interim* and at the final stages of action, a citizen's complaint shall be lodged with the Administrative Officer, who shall be responsible for putting it up to the appropriate officer as and when required. We feel that, on the analogy of our suggestion for government offices, each complaint received by the Lokpal should be treated as a file in itself and dealt with on its diary number. The complaints should be well classified and filed in a manner that they are capable of instant location, as and when they are needed.

LOKPAL AND THE ADMINISTRATION

When sitting in judgment over a complaint of action, or inaction, against a public servant, the Lokpal should always bear in mind that his role should primarily be reformatory rather than punitive, educative rather than reproachful; sympathetic rather than condemnatory. When a grievance is established, the temptation to find fault with an individual public servant is often too great to be resisted. The attention too frequently turns to **who** was at fault, and the more important aspect of **why** a fault occurred is generally lost sight of. The Lokpal must guard against such a temptation, for the 'blood-hound' approach shall generate, as it has generated in the past, its own defences.

41. Clause 12, *ibid.*

A mind full of fear is never capable of putting in the best creative effort. Public servants, like all other mortals, are in need of security and the Lokpal should take particular care to ensure that this security is not shaken, as far as possible.⁴² In the face of what they come to regard as a potential danger, the public servants would be concerned primarily with saving themselves from the shadow of an accusing finger. Fear does not beget trust, and lack of trust cannot make for co-operation in the service of a common cause.

As an individual, so also a public servant, will function best when he is given the necessary trust and confidence; and if he has the assurance that no notice will be taken of the *bona fide* errors of judgment, especially for the first time. If officials are constantly whipped for their shortcomings, all their will for self-improvement, or for that matter, administrative improvement will fade away. The criticism, then, will lose its edge and cast a tremendously negative spell on the administrative arena.

It follows that spanking, if it should come at all, should come as a last resort. In essence, the Lokpal should endeavour to build up his image as defender of the administration no less than as the defender of the citizens.

The Lokpal should ensure that mistakes or acts of mal-administration are not repeated. In this sense, he should endeavour to serve more as a prophylactic than a punitive institution. Sweet reasoning and friendly persuasion, on the basis of well-established procedures, is likely to be far more efficacious than the sterile exercise in fault-finding. Search for faults should be made more in the realm of policies, sys-

42. That the Ombudsmen's appearance gives rise to fears in the minds of public servants is clear from the fact that simultaneously with the coming into effect of the Parliamentary Commissioners Act on the 1st April, 1967, a U.K. Treasury Regulation was issued on the 29th March, 1967. [D.E.O. (57) (Miscellaneous) No. 2], which defines *inter alia* the safeguards for the civil servants complained against. It emphasises that the officers concerned should fairly be treated . . . and that the proper interests of all those who appear to be protected and that the P.C.A. will not name individual officers in his report unless this becomes unavoidable, and that the officer complained against will have the right to send his comments direct to the P.C.A., if he so desires—Source: *Whitley Bulletin*, May, 1967, Vol. XLVII, No. 5, p. 79.

tems and procedures than that of individuals, unless a *prima facie* case exists for mala fide action or intention on the part of individual public servant.

While redressing past grievances, the Lokpal should be on the look-out for the administrative weakness that led to those grievances. He should constantly endeavour to suggest steps for removing such weaknesses and avoiding the recurrence of similar grievances. He should, at the same time, try to ensure that complaints do not pile up in administrative offices and that they do not remain undecided for long.

In fact, the Lokpal should so conduct his functions as to win the confidence of both the public servants and the citizens. In him both of them should be able to see the genuine and benevolent friend, who uses his power more to influence than to control.

A RESUME

The bureaucratic apparatus, especially of growing organizations, tends to have many dysfunctions, which are incompatible with democratic dignity. For an effective functioning, nay success, of the institution of the Lokpal, it is essential that there should be clear-cut and simple procedures for handling citizens' applications in government offices and of citizens' complaints in the office of the Lokpal. It is also essential that the responsibilities of officials at each level of the hierarchy in government offices as well as in the office of the Lokpal should be defined without any trace of ambiguity so that everyone is clear as to what is expected, or not expected, of him in regard to handling of citizens' applications and complaints.

The experience elsewhere has shown that a very high proportion of complaints received by the Lokpal are such as fall outside his jurisdiction. Citizens also often send to government offices applications which would not pass the test of admissibility. The difficulty, however, is that such tests are conspicuous by their absence in almost all government offices. This is a serious gap which ought to be bridged as suggested by us.

The data which we have collected empirically show that

a vast majority of the complaints submitted to the Lokpal would be caused by delays, not involving a dispute over merits of the decision. The major task of the Lokpal in regard to such cases would be to expedite their disposal. Many of the recommendations made in this study are designed principally to meet this end.

The balance of the complaints will be those which pertain to the merits of the case, involving challenge to administrative decisions, allegations of discrimination, favouritism, corruption; etc. We presume that their number would be small; but this would be the category that would make the greatest demand on the office of the Lokpal. For this reason also it is necessary to ensure that the administrative machinery is strong enough to deal promptly, justly and adequately with the other kinds of applications, so that the time of the Lokpal|Lokayuktas is not burdened with complaints against administrative delays.

The thesis underlying the entire field of our study is that in the strength of the administrative machinery to deal adequately with the citizens' applications and complaints lies the strength of the institutions of the Lokpal and the Lokayuktas. In this sense, the conditions of success are to be created both outside and inside these institutions.

The organizational set-up and procedures of the Lokpal/Lokayuktas should be such as can easily be dovetailed and geared into the set-up and procedures in government offices. We have attempted the foregoing outline in the conviction that this is possible of achievement, given the necessary goodwill and determination to succeed. The people of India, as indeed the peoples in this part of the Globe, look forward with eagerness and expectation to the working of the Indian Lokpal and Lokayuktas. The experiment cannot afford to fail. The Lokpal|Lokayuktas must move in the direction of success right from the start. Our suggestions will, we hope, help to smoothen their path, which at present looks so formidable.



PART FOUR
APPENDICES

THE
RECORD

APPENDIX I

(Ref : Page 20)

GIST OF POINTS MADE IN THE REPORTS OF VARIOUS ADMINISTRATIVE REFORMS COMMITTEE AND INDIVIDUALS WITH REFERENCE TO THE PROBLEM OF CITIZENS' GRIEVANCES

I. REPORT OF THE ADMINISTRATIVE REFORMS COMMITTEE, GOVERNMENT OF RAJASTHAN, 1963

The Rajasthan Administrative Reforms Committee with H.C. Mathur as the Chairman, was appointed in July, 1962 to recommend measures "to bring about reforms in the administration of the State, specially to improve the efficiency of working of Government offices and ensure the expeditious disposal of Government business."

The Committee submitted its report on the 20th September, 1963. Some of the important recommendations of this Committee, having a bearing on the problem of citizens' grievances, are :

General

- ** There should be courtesy and respect for people's representatives and full consideration should be given to their views but under no circumstances should administrative principles be sacrificed or tampered with.
- ** Before a decision is taken in any matter by the Government the direct and indirect effects of the decision on the Administration and the people, both immediate and long range, and the manner in which the decision is proposed to be implemented should be carefully considered.
- ** The important general grievance of the people should be intimated by all officers of the Government to the State Government. The Chief Secretary should submit a fortnightly report to the Cabinet indicating the important grievances of the people which came to the notice of the Government during the quarter and the remedial action taken or proposed to be taken with regard to them.
- ** The Cabinet Secretariat should be suitably strengthened to ensure that such information as may require the attention of the Cabinet is obtained, analysed and submitted to the Cabinet in time.

The Ombudsman

- ** An independent and high powered body in the nature of an Ombudsman obtaining in the Scandinavian countries be set up to enquire into cases of mal-administration and corruption and give adequate protection to those who are unnecessarily maligned. This will also provide the

Legislature with adequate means for discharging their functions as guardians of the people's rights and privileges effectively.

- ** A person appointed as "Ombudsman" should be one who is eligible to hold a post equivalent in status to that of a Judge of the High Court or a Member of the UPSC and is of outstanding integrity. His status be equivalent to that of the Chief Justice of the State High Court.
- ** He should primarily concern himself with the actions taken by the State Government including Ministers, Deputy Ministers and officers of the Secretariat, Heads of Departments and senior scale officers of the All-India Services. For matters lying within his jurisdiction, the Ombudsman should be empowered to obtain such information and such documents and records as may be required by him for the discharge of his duties from every person in the Government. . . . The Ombudsman should be invested with powers of a Commissioner appointed under the Commission of Enquiries Act so as to enable him to conduct his enquiries efficiently.

The Secretariat

- *** One of the most effective ways of expediting the work in Government offices is to increase the number of officers to take decision, restrict the number of subjects which they have to deal with and reduce the strength of the ministerial staff who are required to process the cases at various stages in the office. Three different systems are recommended for adoption in this respect—the Cell System, the Group System and the one in which the number of S.Os. is increased and the number of Upper and Lower Division Clerks is correspondingly reduced.
- ** It is a solemn duty of the Heads of Departments to inculcate in the subordinate officers the right attitude towards their work as well as the people.

Elimination of Procedural Delays in Government Offices

- ** Normally, after the dealing assistant has examined a paper under consideration and recorded his note, the case should not be seen by any other member of the ministerial staff (except perhaps by the Office Superintendent/Section Officer for establishment matters) and at the most by one officer before the paper is put up to the officer competent to take a decision in the matter.
- ** The Heads of Departments/Offices should go through the papers received in the daily dak themselves.

II. REPORT OF THE PUNJAB ADMINISTRATIVE REFORMS COMMISSION, 1966

The Punjab Administrative Reforms Commission was appointed in 1964 with Shri K. Hanumanthaiya, as Chairman and Dr. J. N.

Khosla, Director, IIPA as one of its members. The Commission submitted its report in April, 1966.

Among other things, the Commission was asked to explore ways and means for the satisfaction of the citizens' legitimate claims on Administration and redress of their grievances.

Recommendations and Findings

- ** There should be greater delegation of authority in the interest of quick disposal. To be effective it must be all along the line, from the Minister to the Secretary, from the Secretary to his subordinate secretariat officers, from the Ministers to the Departmental Heads and from them down to their juniormost officers in the field.
- ** The number of stages in the passage of a file to the decision-level should be reduced.
- ** To gain confidence of the people, the officers should go down to the field to meet the people, to judge the work of their subordinates and to assess the impact of schemes launched by Government.
- ** As there is a Director of Public Grievances in the State, Ministers should direct complaints and their grievances to this officer, unless the grievances concern their particular departments, in which case the departmental officer concerned should be required to deal with it.
- ** A Minister, while on tour, will be making a very useful contribution if, instead of listening to unrepresentative, stray and doubtful people about the truth or otherwise of a complaint or about the functioning of the Administration in the field, he consults the local elected representatives.
- ** The Government servants should be impartial. Between individual and individual and between party and party, they should hold the scales even and act according to law and rules.
- ** Supervisory officials should be freely accessible to the public during appointed hours of the day and when complaints of delay are brought to their notice, the official sitting over the case should be summoned or visited, and given the necessary orders instead of calling for a report.

Public Relations and Redress of Grievances

- ** A correct picture of Government performance should be continuously transmitted to the people through an effective, well-organised Public Relations Department. This Department should also act as a feed-back agency for reactions and grievances on important matters concerning policies and programmes.
- ** There is need for more, better planned and repeated publicity in regard to Government schemes relating to

loans and grants to the people. Rules relating to making the applications and relevant dates for the application should be thoroughly publicised so that everyone knows what the schemes are about and whether there is any abuse in the distribution of the Government credit.

- ** Branch Officers should be freely available to the public at appointed hours.
- ** Those who have grievances should not be encouraged to jump levels. The lowest competent authority should be encouraged, permitted, and if necessary, compelled to look into a grievance and take action upon it.
- ** The Director of Grievances should not encroach on the jurisdiction of various Departments for the actual disposal of complaints. He should confine himself strictly to the pursuit of complaints with the department.
- ** The system of Tribunals, as in France, for disposal of grievances at the District level should be tried.

III. REPORT OF THE ADMINISTRATIVE REORGANISATION AND ECONOMY COMMITTEE, KERALA, 1967—APPOINTED OCTOBER, 1965, (CHAIRMAN M. K. VELLODI)

Terms of Reference

- ** To study the question of reduction in administrative expenditure and to formulate steps necessary for achieving maximum economy compatible with security, efficiency and the permanent needs of the planned development of the State.

Important Findings and Recommendations

- ** The prompt disposal of business in Government offices, the courteous and sympathetic attention to the problem of the individual citizen when he brings such problems to the notice of the Government, accessibility to the members of the public . . . these are all matters which properly belong to the domain of the civil servant. It is therefore quite right that there should be periodical assessment by Government of the extent to which civil servants have or have not been able to ensure this (i.e., order, efficiency and justice).
- ** There is in almost every office of the Government a deplorable slackness in the disposal of business. There is ground for belief that the average Government servant is lacking in initiative and independence. . . . There is criticism—not always baseless—that the average civil servant in the State still remains inaccessible to the public. There has been an ever-increasing tendency to do the minimum of work and to cease to observe the rules of discipline.

- ** Indiscipline among Government servants has been sweeping the State during recent times. If this were merely a reflection of the general unsatisfactory economic condition of the people, a solution could be found but it cannot be said that the wave of indiscipline has its roots only in economic causes.
- ** Good Administration has its foundations in the integrity and efficiency, in the manliness, sturdy independence and the devotion to duty not only of the civil servants, but of those that compose the Government, of Members of the Legislative Assembly and, indeed, of the people as a whole. Democracy is one of the most difficult types of Government to work What is really required in the context of the building up of a welfare State is not administrative reform but administration; not productivity councils but production; not management associations but management; and not an unceasing flow of words but plan, hard, honest work.

Efficiency—Some Aspects

- ** Manuals should be prepared immediately for departments which do not have them.
- ** A simple system of office procedure, well-knit and free from loop-holes, which cuts down delays and unproductive work to the minimum should be devised by the O. & M. Wing.

Administrative Procedures

- ** A petition register may be maintained in each office where the Tottenham system is in vogue, on the line of the Inward Register and each petition, complaint or application received from the public be numbered in it before it is distributed to the sections.
- ** At the same time, as the petition, etc., is entered in the Petition Register, an endorsement in a card acknowledging the receipt of the petition, etc., should be issued. This endorsement should also contain the number given to the petition in the register.
- ** Inspecting officers should particularly scrutinise the Petition Register to see if the petitions, etc. were disposed of promptly.
- ** Whenever an application or petition is rejected the order communicated to the party should indicate briefly the reasons for so doing, so that the parties may know why that particular action is taken, unless the grounds for rejection are such as could not be revealed in public interest.
- ** In addition to the normal annual inspection of offices at District level and below by the next superior officer, officers higher in the hierarchy to that of immediate

superior officer should also inspect those offices once in a period of about five years.

- ** Disposal should be speeded up, if for instance, there is a rule, of having a day once in a month on which all files that have been pending in inter-departmental references for over 15 days were brought before a joint meeting of the Secretaries discussed and agreed upon.
- ** There should be maximum time limit fixed for the disposal of various kinds of petitions submitted by the general public and such petitions should ordinarily be disposed of within the time fixed.

Departmental Manuals

- ** The Government should direct the Heads of Departments to finalise the work relating to the revision of the Departmental Manuals and Codes within a prescribed time limit by sanctioning the additional staff, where necessary.
- ** The Manuals and Codes may be revised and re-issued at specific periodical intervals, say, 10 years.
- ** Each department should, in addition to preparing a comprehensive departmental Manual, also prepare a small pamphlet containing only matters of interest to the general public.
- ** Such books and pamphlets should be available for sale at all Tehsil offices and Information Centres. These should also be revised whenever Manuals are revised.

Public Relations

- ** As there is no machinery for the Information and Public Relations work at the Taluq level and below, the service of Public Relations Institutions, the Extension Officers, the S.E.O.s, etc., should be utilised to the full extent for the purpose.

Public Complaints and Grievances

- ** The institution of Vigilance Commissioner should be utilised also for the purpose of redressing public grievances.
- ** Reception Officers contemplated in Important Offices that have dealings with the public on a large scale should furnish information required by the public and also answer their enquiries.
- ** Any information required by a citizen for bona fide purpose should be furnished to him, unless it is of a confidential nature.

IV. GOVERNMENT OF ANDHRA PRADESH, REPORT OF
THE ADMINISTRATIVE REFORMS COMMITTEE (1960)
(CHAIRMAN: K.M. UNNITHAN, I.C.S.)

The important recommendations of this report are :

- ** Each Collectorate should have a receptionist of the rank of U.D.C. Each Officer should set apart some time on every day to receive visitors.
- ** A trained and paid social worker should be appointed in each of the big hospitals in the State to attend to the enquiries from the public.
- ** Each representation received from the public should be acknowledged.

V. GOVERNMENT OF BOMBAY—REPORT ON DISTRICT
REVENUE OFFICES BY M. G. PIMPUTKAR (1959)

Following are some of the findings and recommendations of this report:

- ** Ordinarily, there should not be more than one middle-man between the noting hand and the officer who can give orders.
- ** If a noting hand puts up some sort of query, the officer is quite satisfied that a query has been raised, and many a time he does not check whether it is essential or not.
- ** Some officers seem to have made the tossing of papers an art. Some have very seriously explained why they want to ask all sorts of questions. They do so, so that in future there would be enough material, relevant and irrelevant, to explain away any recommendation or decision.
- ** Some of the tossing can be traced to the ingenuity or habit of some officers who use the directive "Please speak" to avoid anybody noticing the parking time of the case on his table
- ** the journeys increase due to simple but frequent causes such as careless despatch, negligence in enclosing all the enclosures, addressing officers wrongly or addressing officers in line instead of simultaneously.
- ** Delay at each station may be due to: (a) Lack of knowledge of law and procedure caused by the absence of training or books, (b) Misplacing or losing papers, (c) individual work-load being heavy, (d) time taken for "thinking" (a fallacy), and (e) quick transfers.
- ** Complacency—reluctance to investigate all delays—has had a very bad psychological effect. Even when delays are exposed, they go unpunished.
- ** Checks which the Government introduced at various stages, e.g., (a) laying down the limits; (b) regular dafter inspections; (c) actual case studies; and (d) co-ordination meetings, meet with the same fate as procedures.

- ** Loopholes and causes of delay will have to be considered as a whole and a remedy prescribed in a well-knit procedure instead of trying to plug holes as and when noticed.
- ** The present position can be remedied thus. We have to prescribe (1) very few halting places; (2) checks over tossing about of papers; (3) early detection of parking of cases, (4) systematic reminders; (5) regular inspections; and (6) case studies.
- ** The objective to be achieved in any system is maintenance of a complete and impartial check over: (a) every communication from receipt to all stages of disposal, (b) every communication started in the office itself, (c) cutting down delays, (d) assessment of arrears, (e) assessment of the total period required for final disposal, and (f) equitable distribution of work.

Inspections

- ** It is truism to say that what is not inspected is not done. Inspection of an office should really help the Head of that office to find out many things which he would like to but has no time for.
- ** Inspections have corrective, reformatory and punitive value As far as possible corrections should be made on the spot. Correspondences should be avoided. In such cases (where something has been done which is just wrong), the idea in pointing out a mistake would be to see that it does not repeat. This is reformatory aspect. One reason why inspections have no permanent effect is the quick transfers. Secondly, an office can reform itself only if the Head of the Office takes personal interest in the compliance. Lastly, punitive value is diminishing. Even serious or repeated mistakes go unpunished. A tendency is evident to treat every mistake (initial or repeated) as an inevitable lapse. Any excuse seems to be acceptable.
- ** It has been repeated many times that inspections should not aim at fault-finding but no fault can be corrected unless it is found We need not feel shy of admitting that inspections are meant to find fault.
- ** The inspections should essentially be by the officer and not by his staff. This does not mean that the staff should not see the papers, or prepare notes on the subject, but it means that every inspection point should be vetted by the Inspecting Officer.
- ** Officer should pay surprise visits to subordinate offices without substituting them for normal inspections.

APPENDIX II

(Ref : Page 89)

SCHEDULE FOR EXAMINING APPLICATIONS FROM THE PUBLIC AND GOVERNMENT EMPLOYEES

1. Name of State?
2. Level examined (State, District, Tehsil|Taluq or Block)?
3. Identification of the complaint examined.
 - 3.1 Office|Department?
 - 3.2 Diary No. of complaint?
 - 3.3 No. of the file in which the complaint was dealt with?
 - 3.4 Date on which the complaint was received?
 - 3.5 Date of final disposal?²
 - 3.6 From whom received?
 - (a) Full address to be given (if received direct from the applicant)?
 - (b) In case the complaint has been received through another Department, please note the full address of the applicant under (a) and here note by whom it was forwarded?
 - (c) Anonymous complaint.
- 3.7 Specific issues raised|content (of) the complaint (If the subject matter is very long, please give a brief summary, giving the key words from the original text?)
- 3.8 Was the complaint endorsed to others?
- 3.8B (If yes) to whom?
- 3.9A Was the complaint a first application or was it a request/petition for reconsideration of an earlier decision?
- 3.9B (If appeal for reconsideration of an earlier decision), were any new facts put forward?

Treatment in Dak Stage

- 4.1 Was the complaint diarised (In dealing section)?
- 4.2 If yes, in which register (General Register or petition register or both)?

1. 'Complaint' refers to any application, petition, representation etc., which indicates a sense of grievance on the part of the applicant. It may be an original application or application against a previous decision or action on the part of the administration.

2. Final disposal means that stage of action where no more action is required on the part of the Department from which the complaint is selected for this study.

- 4.3A Was it acknowledgeable or non-acknowledgeable?
- 4.3B (If acknowledgeable) was it acknowledged?
- 4.4 Was it seen by higher officers in the dak stage?
- 4.5 (If yes) what was the action taken, if any?
 - (a) Disposed of by the officer himself?
 - (b) Instructions given to subordinates for action?
 - (c) Merely initialled?
5. Nature of complaint (simple-routine, complex)?⁴
6. Levels involved.⁵
 - 6.1 Number of levels through which the complaint passed:
 - 6.2 Number of levels which were necessary?
 - 6.3 Number of levels which were unnecessary?
 - 6.4 Main reasons why the levels are considered unnecessary.
7. **Time taken for final disposal.**
 - 7.1 Time actually taken?
 - 7.2 Was the time taken normal?⁶
 - 7.3 Time that should normally have been taken?
(If the time taken was abnormal) reasons for delay
(This question applies to pending cases also).
 - 7.4 Are the reasons clear from the file?

3. Non-acknowledgeable complaints are (i) Inter-departmental references, (ii) Replies sent within ten days, (iii) any other (please specify).

4. For Definition of Terms, see pages of the Main Report.

5. (i) Mere putting up of transfer of papers should not be counted as a level: level should mean examination of the case, real noting-drafting, giving suggestions/ideas, referring to other departments/offices for comments/advice etc., and giving of orders.

(i) If papers passed through the same level more than once, the number of times the papers have passed through the same level, should be counted as the corresponding No. of levels.

(iii) This part of the question did not work at the time of data collection, because the operational terms adopted by us did not answer up to all situations. The greatest difficulty was the return of the same case to the same level several times; a situation for which there was no provision in our schedule.

6. The normal time should be calculated as follows:—

(i) Where no other office has to be consulted:

Routine Simple	up to 15 days.
Complex	up to 30 days.

(ii) Where other offices have to be consulted:

Normal time should be twice the period indicated above.

- 7.5 (If yes), what are the reasons indicated?
- 7.6 (If reasons are not clear from the file please ask the persons on the spot).

Attention to Reminder

- 8. Was there adequate attention to reminders?
- 9. **Communication of decisions.**
 - 9.1 Was any decision taken?
 - 9.2 (If request was granted) was the applicant informed of the decisions promptly or not?
 - 9.3 (If the request was not granted).
 - (a) Were the reasons for negative decision explained to the applicant?
 - (b) Were the reasons communicated adequate to satisfy the applicant?
- 10. Any special features worth mentioning?

7. The Yard-stick is as follows :—

Prompt, if within 4 days of, but including, the date of decision.

Late, if between 4 and 7 days.

Very late, if more than 7 days.

8. Adequately refers to the language used in communication with the applicant. A reply is adequate if it is worded in such a way as to enable the applicant to understand easily the reasons| decisions.

APPENDIX III

(Ref: Page 109)

SCHEDULE FOR OFFICE STAFF

1. Name of the State in which working?
2. Level at which working: (Secretariat, District, Tehsil or Block)?
3. Department|Office in which working?
4. Designation?
5. Age?
6. How were you recruited? (Recruitment through competitive examination, Departmental Promotion, Direct Recruitment)?
- 7.1 Educational qualifications: (Highest examination passed)?
- 7.2 Departmental test(s) passed, (if any)?
- 7.3 Any special qualifications for the job held?
- 8.1 Total length of service in Government?
- 8.2 Length of service in this department|office?
- 9.1 Have your duties been defined in relation to the handling of applications, representations, etc.?
- 9.2 (If yes) what are they? (Please mention the three most important duties).
10. How frequent are the transfers of persons dealing (wholly or partly) with representations etc., of the public?
11. Have you had any training with special references to the handling of public grievances?
- 11.2 (If yes), where was it given?
- 11.3 What was its duration?
- 11.4 What were the main things taught? (Please mention the three most important things).
- 11.5 Were you also told how to handle complaints etc., from the public?
- 11.6 How far has it helped you in your present job?
- 12.1 Are there Departmental Manuals|Rules and Instructions for your present job?
- 12.2 (If yes), how much use, are you making of them?
- 12.3 Are the complaints from public received in your office diarised or entered in a register?

13. Do you think the previous papers and records are kept in such a way that they are readily available?
- 14.1 Is the statement of pending cases prepared?
- 14.2 (If yes), is it put up to officers?
- 14.3 Is it scrutinised by officers?
- 14.4 How frequently is the statement of pending cases prepared?
- 15.1 Are there sufficient incentives for good work in Government service?
- 15.2 (If no), what can be done to provide incentives for good work?
- 15.3 How much is bad work tolerated or ignored by officers?
- 16.1 What do you think about the work-load on you?

(If very heavy or heavy)

- 16.2 Is it heavy always or some times?
- 16.3 What are the reasons for this?
- 17.1 Name (optional).
Designation (optional).

APPENDIX IV

(Ref : Pages 139)

MODEL GUIDELINES FOR HANDLING APPLICATIONS

The procedures adopted for the disposal of Government business have considerable bearing on the efficiency with which the work is carried on in Government Offices. It is, therefore, necessary to examine and modify procedures whenever a change is called for. The following procedure is accordingly suggested as a model for handling applications from the public and Government employees.

REGISTRATION AT DAK STAGE

1. All applications, representations, complaints, petitions, etc., received by an officer or his office should be entered in a special register having the following columns :

(1)	(2)	(3)	(4)	(5)	(6)	(7)
<i>Sl. No. of the application</i>	<i>No. & date of the application</i>	<i>From whom received (Full address)</i>	<i>Brief subject</i>	<i>To whom given</i>	<i>Date of acknowledgement</i>	<i>Date and nature of final disposal, e.g. filed, reply sent, etc.</i>

2. The registration, instead of being done at one place in the Petition Register should be according to well-defined areas or categories—e.g., District-wise in the case of the State level, Tehsil or Taluq-wise in the case of District level, Patwari or Kanungo- or V.L.W.-wise in the case of Tehsil or Taluq level. A block of pages should be allotted to each area, the registration numbers should be consecutive in the case of each area, though made distinguishable by three or four alphabetical letters representing that district. For example, a register in a Secretariat Department or Office/Section of the Head of Department in Rajasthan State would have the pages allotted to each District, arranged alphabetically as follows :

District	Pages allotted
Alwar	1-10
Bharatpur	11-20
Jaipur	21-30
Udaipur	31-40...and so on

The actual registration numbers on each page will be as follows:

Alwar

Date : 1-1-1967

1/67—ALWAR
2/67—ALWAR
3/67—ALWAR

2-1-1967

4|67—ALWAR

5|67—ALWAR

Bharatpur

Date: 1-1-1967

1|67—BPR

2|67—BPR

and so on.

3. The system is suggested to overcome the present difficulty whereby the cases pertaining to a particular area and still pending cannot easily be located for being handed over to the officer for on-the-spot enquiry or follow-up when he happens to go out on tour to that area. The procedure suggested will have the added advantage of knowing at a glance the number of applications received from each area and the nature of their problems, and whether they have been disposed of or not.

4. After registration, such of the applications as have not been seen by the Branch Officer concerned earlier, will be submitted to him for his perusal. Of these, as well as of applications received direct, the Officer will himself dispose of as many applications as possible, while on others he will indicate the action needed on the part of the office.

5. The Section Officer|Superintendent should keep a note in his personal note book or desk calendar of important receipts requiring prompt action or on which action is required to be completed by a specified date. This will enable him to keep a watch on progress of action.

ACKNOWLEDGEMENT

6. All applications should invariably be acknowledged under the signature of the Section Officer|Superintendent|Head Clerk or the P.S.|P.A. to the Minister or officer concerned. Applications belonging to the following categories need not be acknowledged:

- (i) Anonymous, pseudonymous or unsigned applications (except those which contain specific allegations capable of verification and where the Head Office at his discretion desires the action to be initiated).
- (ii) Applications from Government employees.
- (iii) Inter-departmental reference.
- (iv) Applications presented by a person possessing no claim or advancing a claim of an obviously unsubstantial character.
- (v) Where a copy of the application has gone to the officer competent to take the decision and copies have been sent to others (including Minister) as a matter of routine.

- (vi) The language of the application is indecent or disrespectful, or when the application is illegible or unintelligible.

7. The following types of applications should not be entertained and the applicants should be suitably informed, preferably at the time of the acknowledgement itself :

- (i) Applications relating to matters which are pending before any Court or Tribunal, or other similar authority, or regarding which proceedings can be taken in such Court, Tribunal or other authority.
- (ii) Applications containing complaints relating to the administration of Civil or Criminal Justice.
- (iii) Applications in respect of which the applicant has omitted, or seems to have omitted, to approach the competent Grievance Officer at the District or Head of Department or State Secretariat level for redress (except where there are reasonable grounds for such omission).
- (iv) Applications which have been considered and decided by the Government in the past and no new facts, which merit reconsideration of the case, are brought to light.
- (v) When the application is so belated that its consideration is clearly impossible or is debarred by rules.
- (vi) When the application is for employment to posts not under the administrative control of Government or to posts under the administrative control of Government not made in pursuance of any rule or announcement regarding applications for such employment.
- (vii) When the application is a representation against a decision which is declared to be final by any law or statutory rule.
- (viii) When the application is a representation against the action of an individual or of a body of individuals regarding the private relations of the applicant and such individual or body.

8. A draft acknowledgement letter is suggested at Annexure I (page 191).

FORWARDING OF APPLICATIONS

9. Applications received from citizens by higher authorities by way of general endorsement should not be forwarded to lower authorities for report or action, when it is clear that its copy has already gone to the officer competent to take action. In other cases, the copy should simply be forwarded to such competent officer under intimation to the applicant. Where it is necessary for the higher authorities to call for a report of the subordinate office officer :

- (a) The application should be forwarded to him in original with the request for its return. Time and effort need

not be spent in making a copy simply for fear of the loss or misplacement of the original. However, as a safeguard against the possibility of its loss, or misplacement, the gist of the application should be briefly mentioned both in the communication calling for a report and in its office copy.

- (b) Copies of the application should be made only in cases where comments or reports have to be called for from more than one officer, in which case they should be asked simultaneously for their reports|comments.
- (c) The minimum time limit for receiving reports|comments should be one month on the higher side, though a shorter period should be prescribed wherever it is considered possible. If reply is not received within the prescribed time-limit, the matter should be brought to the notice of the officer above the level of the delaying officer (in the case of sister offices) and serious notice should be taken of the delay on the part of the subordinate officer (vide page 138).

10. As a matter of general practice, asking the competent officer below for a report on the complaint of a citizen should be an exception rather than the rule.

11. If the application received from a citizen is in the nature of an appeal against the decision of such lower competent officer, it should be forwarded to the officer competent to review the decision, unless the appellate officer has himself received the appeal. In such cases, the appellate officer should ask the officer appealed against for a report along with all the relevant papers on the subject. The appellate officer should review the case carefully, give his decision and communicate it to the applicant at the earliest possible date.¹ The papers should then be returned to the competent officer for filing and recording.

12. A draft letter forwarding applications is suggested in Annexure II.

CLASSIFICATION, FILING AND HANDLING OF RECEIPTS

13. The application on receipt should be allotted one of the categories mentioned hereafter depending upon the kind of action needed for their disposal. The applications should be disposed of within the time-limit indicated against each category. Almost invariably the disposal of applications is delayed, and the delay is always out of proportion to the nature or category of the application. That is to say, even simple cases which should ordinarily be disposed of in matters of minutes, are delayed considerably.

1. It is a normal administrative ethics that the superior shields his subordinate and his actions 'vis-a-vis' the outsider. We presume that, on merits, the appellate officer would hold up most of the decisions|actions on grounds of 'bona fide', and that very rarely will he have the occasion to reverse the decision|action on grounds of error of judgment etc. Such a reversal would indeed be desirable.

(a) **Category A—Routine & Simple.**

(Acknowledgements, for information, reminders, asking for/furnishing papers/application of simple rules/precedents) .. 15 days

(b) **Category B—Complex**

(Involving policy issues, relaxation of rules, etc.) .. 30 days.

14. If other offices have to be consulted or where report has to be called for from subordinate offices, the period for disposal of a case should be twice the period indicated above.

15. Each application should normally be treated as a file in itself and dealt with—on its Diary Number, unless there are some compelling reasons to the contrary. After disposal, the case should be placed in the area-wise bundle of disposed of cases. The applications of Government employees, after disposal should be added to the personal file of the employee, with a note to that effect made in the Petition Register.

- (i) Inordinately long “halting time” of papers at various levels being one of the major causes of delay, officers and/or staff should be required to dispose of the case, as completely as possible :

(a) Within three clear working days of their receipt. In cases where more time is needed, the officer concerned should invariably seek the written permission of the next higher authority for extension of this period, stating also the reasons in brief why extension is considered necessary.

(b) The maximum “halting time” for cases which require on-the-spot enquiry should be 15 days if the enquiry is to be made at a place which is also the Headquarters of the officer or employee who has to submit the enquiry report, and 30 days for other places.

- (ii) This rule is by no means a new one, it has been laid down, *mutatis-mutandis*, in the past; but it has failed because it has been observed more in breach than in observance. It is, therefore, strongly urged that this rule should be strictly observed. Serious note should be taken of a breach of this rule—the level responsible for this should be that immediate above the level where the breach occurred. Failure or reluctance to carry out this important responsibility should also be taken serious notice of by the next higher level.

16. In the offices at the District level, offices of the Heads of Department and in the Secretariat Departments, the number of levels required to put up notes should be defined, keeping in view the following principles :

- (i) **In Secretariat Office and the Office of the Head of Department**
 - (a) Where office-oriented system has been introduced, noting should be done by not more than two levels, including the decision-making level but excluding the level responsible for putting up papers and referencing them.
 - (b) In other offices, the noting should be by not more than three levels, including the decision-making levels.
- (ii) **At the District level.**
 - (a) Where officer-oriented system has been introduced noting should be done by only one level, viz., decision-making level but that too should be confined to the brief recording of reasons leading to the decision. Where the line of action is clear or where reasons for the decision are contained in reply to the application, no noting need be done.
 - (b) In other offices, noting should be done by not more than two levels, including the decision-making level.
- (iii) **At levels below the District level.**

Since the lines between the officer-oriented system and traditional office-system tend to get blurred at these levels, the transaction of Government business tends to get less formal, the personal contact between the citizens and Government employees tends to increase, the noting should be by one or two levels—but not more than two levels in any case—keeping in view the general principles mentioned for the offices at the District level. As already stated, the transaction of Government business at these levels is generally through personal contacts and is informal, and in such a situation, the Government employees often do not record the particular action taken by them or the reasons therefor. At these levels this does not generally need one or two brief sentences—this applies also to the record of the meeting with non-officials—and this should be done invariably.

Failure to take action where action is due, or incomplete action arising out of ignorance of rules or inadequate attention to the details of the case, or attempt at “tossing” of papers and roping in others where action or decision is the sole responsibility of the officer himself—all these should be taken serious note of and suitable action should be taken against the defaulting officer.

CHECKS ON DELAYS

17. To exercise effective checks on delays, a weekly arrear statement should be preferred by office/section and thoroughly scrutinised by the officer concerned. This helps to give a statistical picture of the number of applications received and dealt with during the week together with a detailed analysis of the number pending. This enables the officer to keep a watch on the progress of the work and to take suitable steps to expedite action on delayed cases.

18. Statement of cases pending disposal for over one month

should also be prepared. This helps to bring to the notice of the officers the cases that have been pending disposal for over a month and where and why.

19. A draft weekly arrear statement and a monthly statement is suggested at Annexure III.

COMMUNICATION OF DECISION

20. The decision on the application should invariably be conveyed to the applicant soon after it is taken. A decision should not be withheld from the applicant simply because the request cannot be granted or because the decision is in the negative; on the contrary, a negative decision should convey to the applicant, as far as possible, the reason why it has to be in the negative.

21. If a decision is likely to take some time, the applicant should be informed periodically about the interim position of his case. This is all the more necessary when a reminder is received from him.

ANNEXURE I TO APPENDIX IV

Book Post.....Stamp

No.

Dated the.....

To *Shri/Shrimati-----

Subject :

Sir,

This is to acknowledge receipt of your communication datedand to say that**

- (1) your request is receiving attention and a further communication will be sent to you shortly|by.....
- (2) The Comments|Report of.....is being called in the matter. This is likely to take.....days and a further communication will be sent to you by about.....
- (3) Your request, it is regretted, cannot be considered because of the following :—
 - (a) the matter is pending before Court/Tribunal.
 - (b) the matter can be taken to a Court/Tribunal.
 - (c) the application contains complaint relating to the administration of Civil or Criminal justice.
 - (d) etc.

(as per pages 188-89 ante)

Yours faithfully,

(A B C)

* This paper may be foled stitched in such a way that this address can be used by the Postal Authorities.

** Please tick the portions applicable.

ANNEXURE II TO APPENDIX IV

Dated the.....

No.

Subject* :

Enclosed in original is an application dated.....received from.....**on the above subject. It is requested that your report/comments in the matter may please be forwarded to this office within.....days. The application may also please be returned along with your reply.

2. Your comment report is needed particularly on the following points:

1.***

2.

3.

4.

5.

(A B C)

To The_____

* The subject should be given so comprehensively that it serves as a gist if the original application is lost. The office copy of this should be invariably retained.

** Here give the full postal address of the applicant.

*** To be scored if the portion is not applicable.

ANNEXURE III TO APPENDIX IV

Weekly Arrear Statement..... Week ending.....

Sl. No.	Name of the Assistant	Number of applications pending from last week	Number of applications received during the week	Total	Number disposed of	Pending		
						under 3 days	Between 3 to 7 days	Over one week
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)*

*Please furnish details of the pending applications.

LIST OF CASES PENDING OVER A MONTH—For the month of

Sl. No.	No. and date of the application	Dy. No.	Brief subject	With whom pending and since when	Present position
(1)	(2)	(3)	(4)	(5)	(6)

APPENDIX V

(Ref. page 139)

MODEL GUIDELINES FOR MAKING APPLICATIONS TO GOVERNMENT

The citizens' contact with the Government has been increasing with growing State participation in various public welfare and developmental activities. Government agencies at different levels have to make thousands of decisions affecting individuals directly. Many applications are made to Government with one request or other. It is often said that the Administration is not responsive to the needs and aspirations of the people and many of the applications made to it are either delayed considerably or they remain unattended to. There is admittedly some justification for this complaint.

While Government is taking all possible steps to ensure quick and prompt action on the applications received from public, it has been observed that in a large number of cases the work of Administration is being made difficult by the public itself. Many of the applications received are either incomplete or frivolous or copies of the same applications are endorsed to a large number of authorities. Sometimes applications are written in a vague language and fail to indicate the precise purpose of the application. This creates unnecessary confusion thereby wasting the time of various officers handling the applications without bringing any useful result to the applicants. All this could be avoided to a great extent if certain basic considerations are kept in view by the people. It would then be easier for the Administration to handle applications etc., received from the people more promptly and cut to a great extent unnecessary and irksome delays.

If you have to write to Government on any matter you consider important, here are some guidelines. By observing them you will be helping yourself no less than you will be helping the Administration.

Guidelines

1. It may please be ensured that the application pertains to some genuine request or problem and is within the purview of the normal activity of the Government. The following types of applications are not likely to be entertained by the Government.

- (i) application relating to matters which are pending before any Court or Tribunal, or other similar authority, or regarding which proceedings can be taken to such Court, Tribunal or authority;
- (ii) applications containing complaints relating to the administration of Civil or Criminal justice;
- (iii) applications in respect of which the applicant has omitted or seems to have omitted to approach the compe-

- tent Grievance Officer at the District or Head of Department or State Secretariat level for redress (except where there are reasonable grounds for such omission);
- (iv) applications which have been considered and decided by the Government in the past and no new facts, which merit reconsideration of the case, are brought to light;
 - (v) when the application is so belated that its consideration is clearly impossible or is debarred by rules;
 - (vi) when the application is for employment to posts not under the administrative control of Government or to posts under the administrative control of Government not made in pursuance of any rule or announcement regarding applications for such employment;
 - (vii) when the application is a representation against a decision which is declared to be final by any law or statutory rule;
 - (viii) when the application is a representation against the action of an individual or of a body of individuals regarding the private relations of the applicant and such individual or body;
 - (ix) anonymous, pseudonymous or unsigned applications (except where they contain specific allegations capable of verification and where the Head of Office at his discretion desires the action to be initiated);
 - (x) applications which are illegible, or un-intelligible;
 - (xi) applications which are written in indecent or disrespectful language; and
 - (xii) applications by a person possessing no claim or advancing a claim of an obviously unsubstantial character.

2. The applications should generally be addressed to the local officer who may immediately be concerned with the subject-matter. However, if it is not clear as to who such officer is, the application may be addressed to the Secretary to the Department concerned at the State level, or to the Head of Department, or to the District Collector, as the case may be. The applicant may write to superior authorities only when a reply is not received within a reasonable time or in case he is not satisfied with the reply received in which case a copy of the reply received from the local officer may also be enclosed.

3. If the same officer is required to be addressed again on the same subject, the date(s) of earlier application(s) and number and date of the communications received on the said application, if any, be quoted. It will help in locating the earlier papers easily.

4. As far as possible copies of the same application should not be endorsed to many officers at the lower or the highest level. Action will be taken only by the officer concerned—other officers who have received copies of the application will normally not take any notice of them. If, however, you know that the officer addressing you will have to ask comments or report of other officer, send him, if possible, as many spare copies of the applications as you think will be the number of officers consulted by him.

5. As far as possible an application to Government should be made only by the person about his own problems. The applicant should indicate his name and address clearly failing which no reply can possibly be sent or a reply even if sent may not be received by the applicant.

6. The applicant should sign the application in his/her own hand at the appropriate place. In case the applicant is illiterate, the application should be authenticated by the thumb impression (left hand thumb impression in case the applicant is a man and right hand thumb impression in case the applicant is a woman).

7. In case the application is delivered personally in an office a receipt therefor may be obtained either on the office copy or separately. The applicant should pay the postal charges in full and in advance when the application is sent by post.

8. Applications should not ordinarily be made through post-cards unless the subject matter is very short.

9. The applications should as far as possible be written in ink or typed. It should be clear and easily legible so that the reader may have no difficulty in reading it.

10. The application should be written as concisely as the nature of the case permits. It should, at the same time, contain all the material facts of the case and be complete in itself. It should end with a specific request. This would obviate the necessity of calling for more information from the applicant and thus avoid delay in the disposal of the applications.

11. Separate applications should be made for different subjects, even if the subjects concern the same officer. In case more subjects are dealt with in the same application, there is danger of some of them being delayed or being not attended to at all.

12. It may please be ensured that your application is complete in respect of the following check-points :-

- (i) Designation and address of the officer to whom the application was made.
- (ii) Applicants' full Name and Address (Village, Taluq, District, etc.).
- (iii) Age, profession and father's name of the applicant, wherever necessary.
- (iv) Subject matter and content of the application.
- (v) Whether any application on the subject was made earlier. If yes, indicate clearly as to when the application was made.
- (vi) Was the earlier application disposed of by the concerned officer or is it still pending. In case it was disposed of, number and date of the communication received from the said officer may be quoted and, in case it is possible, a copy thereof may be enclosed.
- (vii) Describe in simple and clear language the purpose of the application and its details.
- (viii) Date of the application and signature or thumb impression of the applicant.

APPENDIX VI

(Ref : Page 128)

A NOTE ON THE AIMS, OBJECTS AND FUNCTIONING OF THE CITIZENS' ADVICE BUREAU (NAGRIK SABHA KENDRA)

Introduction

The Citizens' Advice Bureaus (CAB) were first set up in England during the Second World War to meet the post-war needs of rehabilitation. Their original functions have undergone a change with the passage of time and they have now taken deep roots in that country. These Bureaus are consulted by more than a million people every year.

A Citizens' Advice Bureau was set up in East Patel Nagar, New Delhi, sometime ago, on the model of the C.A.B.s in England, to give free advice to citizens. This C.A.B. is also on the mailing list of the C.A.B. Council in England. Another C.A.B. was started recently in Lajpat Nagar, New Delhi, under the auspices of the Servants of the People Society.

Aims & Objects

The C.A.B. is an independent, non-sectarian and non-political organisation, run by volunteers chosen from many walks of life, for their mature judgment, fund of knowledge and ability to render sound advice, in confidence, to any citizen on any question that may be causing him trouble or worry. The C.A.B. endeavours to provide :—

1. Accurate information on any matter or question arising in the day to day life of an individual with regard to communication and travel; education and training; employment; civic, local and national information; family and personal matters; insurance; health and medical problems; property and land; service matters and pensions; trade and manufactures; landlord-tenant relationship; marriage and divorce laws, etc. ;
2. Advice to persons in distress as to the appropriate agency for approach; help in filling in forms; and help to understand rules, regulations and social laws;
3. Co-ordination among various existing social service organizations, both voluntary and statutory;
4. Succour to the distressed by acting as safety valve through the simple act of listening sympathetically; and
5. Co-operation with Government, to act as a window through which the authorities can see the effect of their laws, rules and regulations.

The C.A.B. is financially supported by subscriptions, voluntary

contributions, donations and gifts. It does not give any financial, legal or medical aid.

Advisors

The C.A.B. is assisted by 12 Advisors from various walks of life such as Doctors, Advocates, Engineers, Educationists, Social Workers and Housewives, (besides many on the panel of experts). These Advisors tender free and expert advice to the citizens and are under oath of secrecy as follows :

"I....solemnly affirm and declare that I shall maintain secrecy of the facts which come to my knowledge as an advisor and worker of the C.A.B. and shall render the services in advisory capacity without expectation of personal gain."

The working hours of the C.A.B. are 5-30 P.M. to 7-30 P.M.; when one of the Advisors is on duty to attend to the enquiries. The enquirers are required to fill in a case card, the contents of which are as under :

"Case Card

Confidential

(The advice given has no legal binding or any other liability).

Name of Advisor :

Subject Head.....

Name of Enquirer :

No.....

Signature of Enquirer :

Record of interview/correspondence, etc."

Classification of Subjects

More or less on the pattern of the C.A.B. in England, the C.A.B. has classified the subjects of information and enquiry under the following categories :

1. Communication and Travel.
2. Education and Training.
3. Employment.
4. Civic, Local and National Information.
5. (a) Family and Personal Matters.
(b) Family and Material Needs.
(c) Matrimonial Matters including Separation, Maintenance and Divorce.
(d) Income-Tax and Tax Allowances.
6. Insurance and Property.
7. Health and Medical Problems.
8. (a) Property and Land.
(b) Landlord-Tenant Relationship; Lease, Rent, Repairs,
(c) Property Tax.

9. Service and Ex-Service Matters, Pensions.
10. Trade and Manufactures, Consumer Advice and Information, Hire-purchase, Credit, Sales, etc.

Collaboration of C.A.B. in India and U.K.

There is close collaboration and mutual exchange of information between the C.A.B. in India and in England. The C.A.B. in Delhi sends quarterly returns to its counterpart in U.K.

Cases Handled

During the year 1967, the C.A.B. handled about 300 cases. The percentage of enquiries under different categories is as follows:—

Category	Percentage
Communication, Travel	.7
Education and Training	6
Employment	9
Civic, Local and National Information	6
Family and Personal Matters	25
Family and Material Needs	2
Matrimonial Matters including Separation, Divorce, etc.	8
Income-Tax, Tax Allowance	2
Insurance and Property	3
Health and Medical Problems	7
Property and Land	16
Landlord-Tenant Relationships, Lease, Rent, Repairs	11
Property Tax	1
Service Matters and Pension	1
Trade & Manufactures, Consumer Advice & Information, Hire-purchase, Credit Sales, etc.	5
Total :	100.00

It would be seen that during the year 1967, 25 per cent of the cases related to information, assistance and advice regarding family and personal matters. This was followed in the descending order by Property and Land (16%); Landlord-Tenant Relationship (11%); Employment (9%); Matrimonial matters including Separation, Maintenance and Divorce (8%); Health and Medical Problems (7%); Education and Training (6%); Civic, Local and National Information (6%); Trade and Manufacturers, Consumer Advice and Information, Hire-purchase, Credit, Sales etc. (5%); Family and Material Needs (2%); Income-tax and Tax Allowance (2%); Property Tax (1%); Service and Pension matters (1%); Communication and Travel (.7%); and lastly, Insurance and Property (.3%).

ILLUSTRATIVE CASES

Following are some of the typical cases received during January-April 1967 :—

1. An employee of the Survey Department of the Government of India requested the C.A.B. on 21-1-1967 to procure for him a copy of the Prospectus of the College of Engineering, Delhi. The request was complied with.
2. A resident of Rajoury Gardens, New Delhi, complained that her son, a B.A. student, did not apply himself properly to his studies. He sought the help of the C.A.B. who called him to the office and gave him the necessary advice. He promised to be more serious in his studies in future.
3. A Ph.D. Scholar of a National Research Institute in New Delhi, wrote to the C.A.B. on 9-3-1967 to enquire about the institutions giving training for improving conversational ability. He was advised suitably.

Employment/Service Matters

1. A citizen of Mathura wrote to the C.A.B. on 18-3-1967 that his services were terminated from a Public School in New Delhi, after 12 years' service without any reason. He wanted C.A.B.'s intervention to help him. He was called by the C.A.B. for discussion in person on any working day between 6-8 P.M., but he did not turn up.
2. XYZ, aged 45, of New Delhi, complained that his services were terminated in 1956 by a Government Steel Plant and that his grievance has not been redressed by the authorities concerned. The C.A.B. studied his case and advised that the termination of his services was in accordance with the Rules. The C.A.B. further advised him that keeping in view his age and literary ability he should seek work in some creative activity.
3. A resident of New Rajinder Nagar, New Delhi, sought some permanent employment. He worked on Knitting Machines during winter and remained unemployed for the rest of the year. He was called to discuss his problem personally on any working day between 6-8 P.M., but he did not come.

Civic, Local and National Information

1. A citizen of Patel Nagar, New Delhi, complained that he had deposited the money with a Radio and Cycle Co., but had not till then received the delivery of the bicycle. The Legal Adviser of the C.A.B. drafted the legal notice which was served on the dealers.

Family and Personal Matters

1. A Government employee residing in Delhi, wrote to say

that his two brothers, who were having flourishing business in Delhi, were murdered. He sought the advice of the C.A.B. as to what he should do about their business. The C.A.B. told him that he was entitled to about four years' leave without pay and advised him to take leave without pay for a year and resume the family business.

2. A resident of Patel Nagar, New Delhi, wrote to the C.A.B. that he was having an agency for selling the Russian Magazines and books. He wanted to know whether it was likely to involve him in anti-India activities. His attention was drawn to the Local Daily of a particular date.
3. A resident of Ajmer wrote to the C.A.B. that he was bald-headed and wanted to know some treatment. A list of "Wig" manufacturers was supplied to him.
4. A resident of Old Rajinder Nagar wanted C.A.B.'s advice about the purchase of a Refrigerator. He was told that generally speaking, the practice was 1.5 c.f. per member of the family. He was also told the relevant advantages and disadvantages of various makes of refrigerators.
5. A resident of West Patel Nagar, New Delhi, sought C.A.B.'s help in obtaining early sanction of his pension, which had become overdue for 8 years. One of the Advisers of the C.A.B. accompanied him to the Accounts Officer concerned. The Accounts Officer explained the latest position. The party was advised to act as per instructions of the Accounts Officer.
6. An Indian residing in U.K. wrote to the C.A.B. that he was involved in a Passport Racket Case. He won the case in the High Court. He wanted the help of the C.A.B. to know if anything remained on record against him. He wanted to come to India to see his ailing parents. The C.A.B. took up the matter with the authorities concerned.
7. A resident of Sarojini Nagar, New Delhi, wrote to say that his son, aged 14 years, had been missing for the past 10 days, and sought C.A.B.'s help in tracing him. He added that it was the fifth time that the boy had run away. The C.A.B. analysed the case and found it to be a psychological one. He was advised that the immediate problem was to search for the boy with the help of friends and relatives. The enquirer was advised to come again with his son, after he had returned home.

Matrimonial Matters including Separation, Maintenance and Divorce

1. A resident of Sarojini Nagar, New Delhi, requested the C.A.B. to help him in finding a suitable match for his sister. He was advised to approach the Marriage In-

formation Centre, Lajpat Bhawan, Lajpat Nagar, New Delhi-14.

2. A resident of Delhi sought the help of the C.A.B. for the annulment of her marriage out of Court. She informed that her case was already pending in the Civil Court. She was advised by the C.A.B. to await the Court's decision.
3. An officer of the I.A.F. wrote to the C.A.B. to help him in finding a suitable match for him. He was passing a very lonely life, which, he feared, might bring him accidental death. The C.A.B. felt that it was a psychological case and advised the officer to come personally whenever he happened to come to Delhi.

Income-tax and Tax Allowances

1. An Indian lady in London requested the C.A.B. to guide her regarding the procedure for :

- (a) General Power of Attorney;
- (b) Refund for Income-Tax.

The information was supplied.

2. A resident of East Patel Nagar, New Delhi, sought information regarding levy of Income-tax. He was advised about the rates of Income-tax and deduction like rebate on LIP/PF, Sureties, Marriage Allowance, etc.

3. A resident of West Patel Nagar, New Delhi, approached the C.A.B. for help and guidance regarding Income-tax matters for the years 1966-67 and 1967-68. The C.A.B. Adviser discussed the matter with the person concerned, and guided him about computation of income under different heads and filing of returns.

Health and Medical Problems

A retired Head Clerk of a Municipal Board in U.P. wrote to the C.A.B. that he was 75 years of age. He had himself medically been checked up many times and undergone treatment but some pain always persisted in one of his arms. He sought the advice of the C.A.B. He was advised to come over to Delhi and have himself checked up at the All India Institute of Medical Sciences.

Property and Land

1. A resident of East Patel Nagar, New Delhi, wrote to the C.A.B. to say that he had been served with a notice for unauthorised construction, even though the plan to construct a house had earlier been approved by the authorities concerned. As the enquirer had not sent full details, he was asked to quote the number and date of the letter sanctioning his plan.

2. A resident of Jangpura complained that the firm with whom she had put some money in fixed deposit was not paying back her amount even after the expiry of the period. She was suitably advised by the C.A.B.

3. A resident of East Patel Nagar, New Delhi, wanted to know whether a particular colony in which the land was being sold at Rs. 4/- per square yard, for construction of residential houses, was an approved one. He was informed that this was not an approved colony. He was advised to have this verified from the Delhi Development Authority, Indraprastha Estate, New Delhi.

4. A resident of Kanpur wrote to say that after the death of his father, his brothers were receiving the rent of the ancestral property and not paying him his share. He sought the help of the C.A.B. for the partition of his ancestral house. He was advised to apply to the Court for the partition of the property under Civil Law and for the recovery of his share of the rent.

Landlord-Tenant Relationship

1. A resident of West Patel Nagar, New Delhi, sought the advice of the C.A.B. regarding letting out of her house for a fixed period. The provisions under Section 21 of Delhi Rent Control were brought to her notice and proper application was drafted for her by the Legal Adviser of the C.A.B.

2. A resident of East Patel Nagar wrote to say that his co-tenant was not behaving properly, and sought the help of the C.A.B. He was advised to lodge a report with the Police.

3. A resident of Edward Square, New Delhi, sought the help of the C.A.B. for the eviction of the tenant from his house in East Patel Nagar. He needed the house for his personal use and also wanted to construct the first floor. He was advised to apply to the Controller on grounds of 'bona fide' personal needs.

4. A resident of East Patel Nagar wrote to the C.A.B. that his landlord had instituted a case against him in the Rent Controller's Office. He sought the advice of the C.A.B. to guide him as to what sort of evidence statement should be made by him in the Court. He was given the necessary advice.

Trade and Manufacturers, Consumer Advice and Information: Hire-Purchase, Credit, Sales, etc.

1. A College Teacher in Jamia Nagar, New Delhi wrote to the C.A.B. that he wanted to utilise his writing abilities through the C.A.B. publications. He was informed that C. A. B. was not concerned with this sort of work.

SUMMARY

It is revealing to note that even the educated persons of the country are not aware of the simple rules and procedures and are unable to solve their own problems unless helped by the mature persons who have had vast fund of knowledge and experience acquired during the long span of their lives.

The Bureau has not so far reached the common man, i.e., Jhuggi & Jhonpri Dwellers who have more problems to be solved than the intelligentsia. Special efforts are needed in this direction to make known to such people that some such institution does exist in the

country which helps in solving their problems, free and without any favour.

It may be added that the Bureau is tendering advice and offering help to the citizens in solving their day to day problems. It is not for the present concerned with complaints against the Administration but it does help the citizen, where it deems proper, by taking up the matter on their behalf with the authority concerned.

The institution of C.A.B. will help a great deal in minimising the work of the proposed institution of Lokayukta although the functions of the two institutions are quite different. While the institution of Lokayukta will look after the complaints of the citizens against the Administration, the C.A.B. will help the citizens in solving their day to day problems. The functions of the two are complementary to each other.

APPENDIX VII

(Ref : Page 158)

ADMINISTRATIVE ANALYSIS TO BE DONE BY DIRECTOR (GRIEVANCE PROCEDURES)

The administrative analysis to be done by the Director (Grievance Procedures) will be concerned with the following aspects of the problem :

(i) Characteristics of the Applications studied :

This will cover items like nature of applications (simple-routine or complex); channels through which applications were received (direct by departments, through Ministers, through higher levels of administration, or through others like M.Ps., M.L.As, etc., issues raised in the application; whether the applications were genuine or non-genuine; and finally, whether the applications were such as fell within the jurisdiction of the Department or of the Lokpal/Lokayukta.

(ii) Procedural profile of cases :

The focus in this part of the study will be on two aspects : (a) the procedure in so far as it relates to the submission of applications by the citizens, and (b) the procedure in so far as it relates to the applications in Government offices. The main purpose of this study would be an analysis of the way the applications are prepared by the citizens for submission to Government 'vis-a-vis' the way they should have been prepared as provided in the guidelines given in Appendix V. Similarly, the analysis would concentrate its attention on the way the applications were actually handled in Government offices 'vis-a-vis' the way they should have been handled as provided in the guidelines given in Appendix IV.

The schedule for examining Citizens' Grievances given in Appendix II will, we hope, prove useful in collecting the necessary basic data for such an analysis. We feel that the analysis of procedure in so far as it relates to preparation of applications by citizens for submission to Government should particularly be directed towards finding out whether :

- (a) it pertains to some really genuine request or problem;
- (b) it pertains to a subject which is within the purview of Government;
- (c) it is addressed, in the first instance, to the local officer who may immediately be concerned with the subject matter;
- (d) in case it is not clear as to who such officer is, the application is addressed to the Secretary to the Department concerned at the State level, or to the Head of Department, or to the District Collector, as the case may be;
- (e) the application is addressed to the superior authorities

- only when the reply was unreasonably delayed or when the applicant was not satisfied with the reply received;
- (f) that in case the same officer has been addressed again on the same subject the date(s) of earlier application(s) and number and date of official communications received on the same application are quoted;
 - (g) that copies of the same application are not endorsed needlessly to many officers at the lower or the higher level;
 - (h) that the citizen has indicated his name and address clearly in the application;
 - (i) that the application is clear and easily legible;
 - (j) that separate applications are made for different subjects; and
 - (k) in general, that the application is concise and self-contained and not lead to the necessity of asking for more information from the applicant.

The analysis of procedure for processing the citizens' applications in Government offices should relate to collection of data which can provide answer to such questions as whether—

- (a) the applications are entered in a special register having the prescribed columns;
- (b) the registration is done according to well-defined areas or categories;
- (c) the applications are submitted to, or seen by, the officer concerned in dak stage;
- (d) the officer disposes of in dak stage as many applications as possible;
- (e) all acknowledgeable applications are acknowledged;
- (f) such of the applications as do not fall under the purview of governmental action are not entertained;
- (g) applications received from citizens by higher authorities by way of general endorsement are not forwarded to lower authorities when it is clear that its copy has been sent to the officer competent to take action;
- (h) in other cases, the copy is simply forwarded to such competent officer;
- (i) where it is necessary for the higher authorities to call for a report of the subordinate office/officer, it is done in the manner suggested by us;
- (j) applications which are in the nature of an appeal are dealt with in the way suggested;
- (k) the applications on receipt are categorised as simple-routine or complex depending upon their nature;

- (l) the prescribed halting time-limit is observed;
- (m) the note is taken of the cases involving infringement of the prescribed halting time;
- (n) the number of levels required to put up notes is kept to the minimum as defined in the suggested guidelines;
- (o) a weekly arrear statement and a statement of cases pending disposal for over a month are prepared at regular intervals; and
- (p) these statements are thoroughly scrutinised by the officers concerned.

Even though we have recommended such an analysis on the part of the Grievance Officer in regard to the offices under his jurisdiction, we feel that this does not obviate the need for such an analysis in the office of the Lokayukta. The former is, in a sense, the equivalent of internal audit; the latter is the equivalent of external audit. The two are complementary to each other. The latter analysis, i.e., the one by the special officer in the office of the Lokayukta will be characterised by objectivity and freedom of expression. It will yield statistical facts which will throw a flood of light on the working of the existing procedure and bring out the shortcomings that need to be remedied.

APPENDIX VIII

(Ref : Page 159)

FINANCIAL IMPLICATIONS OF THE PROPOSED ORGANISATION SET-UP OF THE LOKPAL'S OFFICE

<i>Post</i>	<i>No.</i>	<i>Estimated Annual Expenditure</i>
		Rs.
1. Lokpal	1	60,000 (Rs. 5,000/- p.m.)
2. Lokayuktas	2	96,000 (Rs. 4,000/- p.m.)
3. Secretary	1	42,000 (Rs. 3,500/- p.m.)
4. Joint Secretary	2	72,000 (Rs. 3,000/- p.m.)
5. Directors	8	1,92,000 (Rs. 2,000/- p.m.)
6. Deputy Director/Senior Analysts	8	1,15,200 (Rs. 1,200/- p.m.)
7. Private Secretary	5	42,000 (Rs. 700/- p.m.)
8. Administrative Officer	1	14,400 (Rs. 1,200/- p.m.)
<i>Non-Gazetted</i>		
1. Assistant Personal Assistants Research Assistants	$\left. \begin{matrix} 1 \\ 8 \\ 2 \end{matrix} \right\} 11$	66,000 (Rs. 500/- p.m.)
2. L.D.C.s steno-typists	$\left. \begin{matrix} 5 \\ 8 \end{matrix} \right\} 13$	39,000 (Rs. 250/- p.m.)
3. Class IV	30	63,000 (Rs. 175/- p.m.)
		<u>8,01,600</u>
		(Rs. 8 lakhs rounded)

APPENDIX IX

(Ref page 143)

SUMMARY OF OUR FINDINGS, RECOMMENDATIONS AND SUGGESTIONS FOR FURTHER RESEARCH

(Our recommendations are in bold letters. Those in the nature of suggestions for further study are marked with asterisk (*). Others are in the nature of facts and findings).

A. Nature of applications :

1. In the sample studied by us, there is a preponderance of simple-routine cases (64%); complex cases are about half that number (34%). (P. 91).
2. The number of complex cases declines perceptibly as one goes down the area levels. (P. 92).

B. Channels through which applications are received :

3. Only 19% of the total applications in our sample were received through Ministers and 7% from MPs, MLAs, etc.—comprising about one-fourth of the total lot. (P. 93).
4. There is need for further enquiry whether it was really necessary for the citizens to submit their applications through the Ministers. A further probe into the reasons which motivate the citizen to submit his application to a Minister would seem to be worth-while the effort. (P. 93).

C. Diarising of applications :

5. All applications from the public should be diarised in a separate petition register. (P. 95).

D. Acknowledgement of applications :

6. The number of acknowledgeable and non-acknowledgeable applications is almost equally divided. Of the acknowledgeable applications, a little less than one-third are actually acknowledgeable. (P. 95).
7. **Non-acknowledgement of applications constitutes a deplorable communication gap, which can, and should, be filled up so as to improve the image of administration in the eyes of the people.** (P. 96).

E. Handling of applications by Officers in Dak Stage :

8. A large number of applications (86%) are submitted to officers in dak stage, but only a small number (8%) are disposed of by the officers themselves. (P. 98).

9. The nature of applications—routine-simple or complex—hardly makes any difference as far as disposal by officers in dak-stage is concerned. It also appears that the larger the number of simple-routine cases, the higher the proportion of direct disposal by officers. (P. 99).
10. The phenomena mentioned at 9 above need a deeper probe through further studies. (P. 100).

F. Delays :

11. Only one-fourth of the total cases are disposed of in the normal time. The remaining three-fourths are delayed. (P. 102).
12. It is not merely the complexity of rules, regulations and procedures that lead to delays; obviously laxity of the Administration and supervision, lack of interest and of spirit of responsibility, lack of sensitivity towards public interest may be some of the other contributory factors. (P. 103).
13. The extent of delay goes on decreasing as one goes down the area level. (P. 104).
14. One of the major causes of delays appears to be the inter-departmental references or references to subordinates. (P. 104).
15. Inter-departmental/office references should be done simultaneously and only when absolutely necessary (if more than one office is to be consulted). The reference should be complete listing all the points on which consultation is to be done. Control over subordinate offices for prompt reply should be tightened. (P. 104).
16. Specifying time limits for disposal of applications has not made any significant impact on the speed of disposal. (P. 105).
- *17. This would seem to point to the need for probing the problem further with special reference to the role of morale and motivation of the personnel involved at all hierarchical levels. (P. 106).
18. Delays occur both at the lower hierarchical levels (the level of a Section Officer/Superintendent and below) and at higher ones (above the Section Officer). The extent of delay at the lower levels is slightly greater than that at the higher levels. The major contributory causes of delay are delays in subordinate offices combined with lack of follow-up action. (P. 108).

G. Personnel Problems

19. Three-fourths of the staff feel that the work-load on them is heavy or very heavy. The number of higher officers who complained to us of heavy work-load through

wastage of their time in infructuous work, meetings, conferences, etc., was also quite large. (P. 110).

- *20. The problem of efficiency of staff needs to be examined in detail through further study with an eye on more progressive personnel policies and more enlightened human approach. (Pp. 110-11).
- *21. It is for consideration whether applications etc., of government employees pending for more than one year should not be brought within the purview of Lokpal and Lokayukta in so far as delays, as distinct from the merits of the case, are concerned. (P. 111).
- 22. Opinion about the adequacy and efficiency of the present O. & M. Organisation was divided; some officers even said that the O. & M. Authority had never visited their offices. (P. 111).
- 23. There is need for strengthening the O. & M. Organisation and ensuring regular inspections and work-study in all offices with a view to eliminating infructuous work, improving work procedures and achieving greater work-productivity. (P. 111).
- 24. There is also need for laying down the scale of penalties like warnings, adverse conditionals, etc., for chronic defaulters, just as there is need for a scale of incentives like letters of appreciation, prizes, etc., for consistently good workers. (P. 111).

H. Rules, Regulations and Manuals :

- 25. Simplification of manuals and bringing them up-to-date in a consolidated manner and preparation of one where none exists need urgent attention. (P. 112).

I. Public Relations Officer :

- 26. While it should not be a part of the duties of the Public Relations Officer to deal with citizens' grievances, the objectives of this office could relate essentially to educating and informing the people and to keep Government informed of the reaction of citizens towards Government policies and programmes. (P. 113)

J. Machinery for dealing with citizens' applications :

(I) At the State Level

- 27. A separate institution of the State Director for citizens' grievances does not seem to be necessary. We recommend instead that the Secretary to Government in a Secretariat Department and the head of the department in the attached and subordinate offices should be designated as the ex-officio grievance officer for that particular department with the functions as defined in the main body of the report. (P. 123).

28. The ex-officio grievance officer in a Secretariat/Technical Department should be provided with the assistance, full-time if possible and part-time otherwise, of an other departmental officer, who may be designated as the departmental Deputy Grievance Officer with the duties as defined in the main body of the report. (P. 125).

(II) At the District level and below :

29. We recommend that the District Collector/Deputy Commissioner should be designated as the ex-officio Grievance Officer at the District Level with the functions as defined in the main body of the report. (P. 126).
30. To enable the Collector to discharge his duties as District Grievance Officer efficiently and effectively without detriment to his other functions, he should be provided with the Assistance (a full time officer if possible and part-time otherwise) of an other officer who should be designated as the Assistant District Grievance Officer, with duties as defined in the main body of the report. (Pp. 126-27).
31. The Assistant Grievance Officer should be provided with the Assistance of a full-time Senior Clerk or Assistant to help him in the routine side of his work, who should preferably know shorthand and typing. By way of incentive, such Clerk and Assistant should be given a suitable allowance. (P. 127).

K. District Grievances Committees :

- *32. Before the District Grievances Committees are formed in any State, the working of the present District Grievance Committees in Punjab, Haryana and Madhya Pradesh needs to be studied in greater detail. (P. 128).
- *33. It is also for consideration whether the encouragement of Citizens' Advice Bureaux on Voluntary basis would be more effective than formation of District Grievance Committees. (P. 128).

L. Procedures :

34. All applications should invariably be acknowledged under the signature of the Section Officer/Superintendent/Head Clerk or the P.A. to the Minister or officer concerned, except those belonging to certain categories mentioned in the main report. (P. 131).
35. Applications from Citizens should be allotted either of the two categories, simple and complex, and should be finally disposed of within the time limit indicated against each category in the Main Report. (P. 133).
36. An application should be treated as a file in itself on its diary number unless there are some compelling reasons to the contrary. (P. 134).

37. In order to reduce the halting time of papers at various levels, officers and staff should be required to process the case as completely as possible within three clear working days of their receipt. (P. 134).
38. The number of levels required to put up notes should be reduced and defined, keeping in view the principles enunciated in the main body of the report. (P. 135).
39. Failure to take action where action is due or taking incomplete action because of ignorance of rules or because of inadequate attention to the details of the cases should be regarded as grave dereliction of duty and dealt with as such. (P. 136).
40. Attempts at tossing of papers and roping in others where action or decision is the sole responsibility of the officer himself should be taken serious note of and suitable action should be taken against the defaulting officer. (P. 136).
41. Where it is necessary for the Competent Officer to call for a report of the subordinate offices, before giving his decision, the report should be called for in the manner indicated in the main body of the report. (P. 137).
42. A departmental officer going out on tour to a particular area (District, Tehsil/Taluq or Block) should take with him a list of all cases on which reports/comments asked for from the officers in the area to be visited are pending. The officer should expedite, and if possible bring back with him, the reports/comments. (P. 138).
43. Applications received by higher authorities by way of an endorsement should not be forwarded for report or for action where it is clear that its copy has already gone to the officer competent to take action. In other cases, the copy should simply be forwarded to such officer for necessary action under intimation to the applicant. Alongside this, it is necessary that serious view should be taken of officers who fail to exercise the delegated powers and responsibilities. (P. 138).
44. Appeals should be reviewed in accordance with the procedure indicated in the main body of the report. (Pp. 138-139).
45. Clear-cut instructions for handling of applications from citizens should be laid down for the guidance of officers on the lines of the model suggested by us in Appendix IV. (P. 139).
46. Instructions should also be laid down on the lines indicated by us in Appendix V and published for the guidance of the public. (P. 139).
47. By way of implementation and follow-up of our recommendations the supervision and inspection used to be

considerably improved and strengthened. As a part of this, particular attention needs to be paid to the preparation and scrutiny of weekly and monthly statements of pending cases. (Pp. 142-43).

48. The procedure to be laid down as a result of our recommendations should be followed from time to time so as to bring to light the weak spots needing corrective action. (P. 143).
49. The procedures so laid down should be dove-tailed into the procedures of Lokpal's office as suggested in chapter six (Pp. 145-67).

